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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 3901-3950.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3901. Misbranding and alleged adulteration of macaroni. U. S. v. Atlantic Macaroni Co. Plea of guilty to the charge of misbranding. Fine, \$250. Charges of adulteration withdrawn. (F. & D. No. 4536. I. S. Nos. 2076-d, 3177-d, 3178-d, 15313-d.)

On October 20, 1913, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, in 8 counts, against the Atlantic Macaroni Co., a corporation, Long Island City, N. Y., alleging shipment in interstate commerce by said defendant, in violation of the Food and Drugs Act, of quantities of macaroni which were misbranded and alleged to have been adulterated:

(1) On or about February 3, 1912, from the State of New York into the State of Pennsylvania. This product was labeled: "Macaroni Savoia Brand Gragnano Artificially colored Manufactured in New York State Style Guaranteed under the Food and Drug Act, June 30, 1906. Serial No. 3880. (Device of shield with a white cross and red background.)"

(2) Between December 18, 1911, and January 18, 1912, from the State of New York into the State of Connecticut. This product was labeled: "Paste Alimentary Abruzzi Brand Extra Quality Macaroni Artificially Colored. (Picture of the Duke of Abruzzi.)"

(3) Between March 8, 1912, and March 14, 1912, from the State of New York into the State of Massachusetts. This consignment was labeled: "Paste Alimentary Macaroni Trionfo Brand. Artificially Colored. (Design of a soldier, in foreign uniform, holding a foreign flag.)"

(4) Between February 5 and March 11, 1912, from the State of New York into the State of Massachusetts. This consignment was labeled: "Paste Alimentary Abruzzi Extra Quality Macaroni. Artificially Colored. (Picture of the Duke of Abruzzi.)"

Analyses of samples of the product in the various consignments showed that the same were colored with a coal-tar dye, namely, Naphthol Yellow S. It was also shown by analysis and comparison of the samples with other samples of macaroni

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of known history that the macaroni in the samples was made from flour of inferior grade for macaroni-making purposes, having only a small quantity of semolina or the best grade of material from which macaroni is made, and that therefore the artificial coloring matter added to the samples was used for the purpose of simulating macaroni made from the best durum semolina.

Adulteration of the product was alleged in the first, third, fifth, and seventh counts of the information, for the reason that it was colored and stained with a coal-tar dye known as Naphthol Yellow S [No. 4], in a manner whereby inferiority of said food and food product was concealed. Misbranding of the product contained in the first-mentioned consignment was alleged in the second count of the information, for the reason that the label on each of the boxes of food and food product bore words, figures, signs, devices, and pictures, to wit, the words "Savoia Brand Gragnano," with a design of a shield bearing a white cross on a red background, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser thereof the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and the words, figures, signs, devices, and pictures thereon, the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product, but was manufactured in the United States.

Misbranding of the product in the next-mentioned consignment was alleged in the fourth count of the information, for the reason that the label on each of the boxes of said food and food products bore words, figures, signs, devices, and pictures, to wit, the words "Paste Alimentary Abruzzi Brand" and the picture of the Duke of Abruzzi, which said words, figures, signs, devices, and pictures were false and misleading, in that they were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

Misbranding of the product in the next-mentioned consignment was alleged in the sixth count of the information, for the reason that the label on each of the boxes of said food and food product bore words, figures, signs, devices, and pictures, to wit, the words "Paste Alimentary Trionfo," and the design of a soldier, in foreign uniform, holding a foreign flag, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

Misbranding of the product in the next-mentioned shipment was alleged in the eighth count of the information, for the reason that the label on each of the boxes of said food and food product bore words, figures, signs, and pictures, to wit, the words "Paste Alimentary Abruzzi Brand" and the picture of the Duke of Abruzzi on the label, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food product called macaroni was a foreign

product, and by and through said label, words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

On January 26, 1915, the defendant company entered a plea of guilty to counts 2, 4, 6, and 8 of the information charging misbranding, and the court imposed a fine of \$250. Counts 1, 3, 5, and 7, charging adulteration of the product, were dismissed.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *June 8, 1915.*

3902. Adulteration and misbranding of so-called lemon pie filling. U. S. v. Herbert Harper (Harper X L Mfg. Co.). Plea of nolo contendere. Fine, 100. (F. & D. No. 4688. I. S. No. 14938-d.)

On March 19, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herbert Harper, doing business under the firm name and style of Harper X L Manufacturing Co., New Bedford, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 15, 1911, from the State of Massachusetts into the State of New York of a quantity of so-called lemon pie filling which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Artificial color, turmeric; tartaric acid, present; tartaric acid, mirror test, positive; cornstarch present in large amount; citric acid, none.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, tartaric acid, had been substituted in part for said food. Misbranding was alleged for the reason that said food and the package and label thereof bore a certain statement, design, and device regarding said food, to wit, the words "A compound of albumen, farinaceous properties, colored, with the world's finest product of fresh lemon juice acid" printed thereon, which said statement, design, and device was false and misleading in that it would lead the purchaser to believe that said food contained citric acid, a component part of said lemon juice acid, whereas, in truth and in fact, said food did not contain citric acid. Misbranding was alleged for the further reason that said food, and the package and label thereof, was labeled and branded so as to deceive and mislead the purchaser by reason of the following words which appeared thereon, "Contents. A compound of albumen, farinaceous properties, colored, with the world's finest product of fresh lemon juice acid," because said words which appeared thereon as aforesaid would convey to the purchaser the impression that said food contained citric acid, a component part of said lemon juice acid, whereas, in truth and in fact, said food did not contain citric acid.

On June 23, 1914, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3903. Adulteration of clams. U. S. v. H. K. Swann. Tried to the court and jury. Verdict of guilty. Fine, \$100 and costs. (F. & D. Nos. 4693, 4733. I. S. Nos. 17253-d, 17244-d.)

On November 13, 1912, and April 21, 1913, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against H. K. Swann, Norfolk, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on April 26 and May 8, 1912, from the State of Virginia into the District of Columbia, of quantities of clams in the shell which were adulterated.

Examination of a sample of the product shipped on April 26, 1912, by the Bureau of Chemistry of this department showed the following results: 10 out of 10 quahaugs showed the presence of gas-producing organisms in bile fermentation tubes after four days' incubation at 37° C., in 1 cc quantities; 10 out of 10 quahaugs in 0.1 cc quantities; 6 out of 10 quahaugs in 0.01 cc quantities; score, 320 points. Examination of a sample of the product shipped May 8, 1912, by said Bureau of Chemistry showed the following results: 10 out of 10 quahaugs showed the presence of gas-producing organisms in bile fermentation tubes after four days' incubation at 37° C., in 1 cc quantities; 9 out of 10 quahaugs in 0.1 cc quantities; 4 out of 10 quahaugs in 0.01 cc quantities; score, 185 points.

Adulteration of the product was alleged in the informations for the reason that an examination thereof showed the presence of gas-producing organisms, indicating that said product consisted wholly or in part of a filthy putrid or decomposed animal substance.

On June 10, 1914, the two cases which had been consolidated came on for trial before the court and a jury, and, after the submission of evidence and argument by counsel, the jury returned a verdict of guilty, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3904. Adulteration of tomato paste. U. S. v. 36 Barrels of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4717. I. S. No. 3123-e. S. No. 1553.)

On October 28, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 barrels of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 7, 1912, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato.

On November 10, 1914, the claimant having withdrawn his claim and answer, and the default of all other persons having been entered, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3905. Misbranding of jams and jellies. U. S. v. McMechen Preserving Co. Pleas of guilty. Fine, \$20. (F. & D. No. 4754. I. S. Nos. 36210-e, 36211-e, 36213-e, 36216-e.)

On May 6, 1913, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district four informations against the McMechen Preserving Co., a corporation, Wheeling, W. Va., alleging shipment by said company, in violation of the Food and Drugs Act, in December, 1911, from the State of West Virginia into the State of Virginia, of quantities of two brands of jam and of two brands of jelly which were misbranded.

One of the brands of jelly was labeled: "Fort Henry Brand Compound Jelly Flavor Imitation Quince Extract Trace, Apple Juice 33%, Corn Syrup 67%, Phosphoric Acid 1/5 of 1%, Benzoate of Soda 1/10 of 1%. McMechen Preserving Co., Wheeling, W. Va., U. S. A."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Total solids (per cent).....	65.92
Ash (per cent).....	0.84
Phosphoric acid (per cent).....	0.34
Polarization, direct, at 27° C. (°V.).....	+97.4
Polarization, invert, at 27° C. (°V.).....	+96.8
Polarization at 87° C. (°V.).....	+97.2
Sucrose, Clerget (per cent).....	0.46
Glucose (factor, 163) (per cent).....	59.63
Invert sugar, before inversion (per cent).....	33.24
Invert sugar, after inversion (per cent).....	33.73
Total sugar as sucrose + invert (per cent).....	33.70
Nonsugar solids (per cent).....	32.22
Benzoate of soda (per cent).....	0.18

One of the brands of jam was labeled: (Main label) "Parker House Brand Compound Jam made from Corn Syrup 60%, Apple Juice 20%, Benzoate of Soda 1/10 of 1%, Fruit 20%. McMechen Preserving Co., Wheeling, W. Va., U. S. A." (Neck label) "Quality Reliable 20% Strawberries."

Analysis of samples of this product by said Bureau of Chemistry showed the following result:

Benzoate of soda (per cent).....	0.16
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The other brand of jam was labeled: (Main label) "Parker House Brand Compound Jam made from Corn Syrup 60%, Apple Juice 20%, Benzoate of Soda 1/10 of 1%, Fruit 20%. McMechen Preserving Co., Wheeling, W. Va., U. S. A." (Strip label) "Reliable 20% Raspberries Quality."

Analysis of samples of this product by said Bureau of Chemistry showed the following result:

Benzoate of soda (per cent).....	0.17
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The other brand of jelly was labeled: "Elmwood Brand Jelly Mixture Apple Juice 33%, Imitation Strawberry Extract Trace, Corn Syrup 67%, Phosphoric Acid 1/5 of 1%, Carmine Lake Trace, Benzoate of Soda 1/10 of 1%. McMechen Preserving Co., Wheeling, W. Va., U. S. A."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Ash (per cent).....	0.82
Total solids (per cent).....	63.72
Phosphoric acid (per cent).....	0.32
Polarization, direct, at 27 °C. (°V.).....	+94.8
Polarization, invert, at 27° C. (°V.).....	+94.8
Polarization, at 87° C. (°V.).....	+95.2
Sucrose, Clerget (per cent).....	0.0
Glucose (factor, 163) (per cent).....	58.40
Invert sugar, before inversion (per cent).....	34.46
Invert sugar, after inversion (per cent).....	34.46
Total sugar as sucrose + invert (per cent).....	34.46
Nonsugar solids (per cent).....	29.26
Benzoate of soda (per cent).....	0.18

Misbranding of the jellies was alleged in two of the informations for the reason that they were labeled as containing one-fifth of 1 per cent phosphoric acid, and as containing one-tenth of 1 per cent benzoate of soda, when in fact they contained more than those amounts shown on the label. Misbranding of the jams was alleged in the other two informations for the reason that they were labeled as containing one-tenth of 1 per cent benzoate of soda, when in fact they contained more than that amount.

On May 5, 1914, the defendant company entered pleas of guilty to the four informations and the court imposed a fine of \$5 on each information, making an aggregate fine of \$20.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3906. Misbranding of "Father John's Medicine". U. S. v. 864 Bottles, 432 Bottles, 720 Bottles, 456 Bottles, 288 Bottles, 324 Bottles, 288 Bottles, and 720 Bottles of "Father John's Medicine." Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 4883, 4884, 4885, 4886. I. S. Nos. 1370-e-1371-e. S. No. 1570.)

On December 20, 1912, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district eight libels for the seizure and condemnation of 36 cases, each containing 24 bottles; 36 cases, each containing 12 bottles; 36 cases, 24 of which contained 24 bottles, and 12 of which contained 12 bottles; 38 cases, each containing 12 bottles; 24 cases, each containing 12 bottles; 27 cases, each containing 12 bottles; 24 cases, each containing 12 bottles; and 36 cases, 24 of which contained 24 bottles and 12 of which contained 12 bottles; each of the bottles containing upwards of 4 ounces of "Father John's medicine;" remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on December 16, 11, 9, 18, 9, 9, 18, and 9, 1912, respectively, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in the libels that said drug was misbranded in that each of the bottles bore a label which bore a statement regarding the curative effect of such drug, which was false and fraudulent, in that said label as aforesaid bore a false and fraudulent statement in substance and to the effect that the said drug was a prompt and efficacious medicine for lung diseases and the usual attending conditions, including consumption coughs, colds, croup, asthma, bronchitis, sore throat, and whooping cough, whereas, in truth and in fact the said product was not a prompt and efficacious medicine for lung diseases and the usual attending conditions, including consumption, coughs, colds, croup, asthma, bronchitis, sore throat, and whooping cough. It was further alleged that the drug was misbranded in that said bottles containing it were contained in pasteboard packages, each of which pasteboard packages bore a false and fraudulent statement regarding the curative effects of said drug, which said false and fraudulent statement was in substance and to the effect that the said drug was without an equal as a body builder, health food, and for consumption, coughs, colds, croup, la grippe, pneumonia, whooping cough, bronchitis, asthma, night sweats, catarrh, rickets, thin blood, hoarseness, and weak voice, whereas, in truth and in fact, the said drug was not without an equal as a body builder, health food, and for consumption, coughs, colds, croup, la grippe, pneumonia, whooping cough, bronchitis, asthma, night sweats, catarrh, rickets, thin blood, hoarseness, and weak voice. It was further alleged that the drug was misbranded in that each of said pasteboard packages, containing the bottles of drug, contained a circular, which said circular contained, inter alia, false and fraudulent statements calculated and adapted to induce the reader of said circular to believe that said drug was a cure for consumption, whereas, in truth and in fact, it was not a cure for consumption.

On February 19, 1915, the consolidation of the eight cases having been ordered by the court, the claimant of the product having withdrawn its claims and answers and having filed claims only, the default of the claimant was pronounced and judgment of condemnation and forfeiture was entered, it being ordered by the court that the product should be delivered to Carleton & Hovey Co., Lowell, Mass., upon payment of all the costs of the proceedings and the execution of bond in the sum of \$5,000, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3907. Adulteration and misbranding of oysters. U. S. v. George W. Lowden. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 4906. I. S. No. 36126-e.)

On March 5, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Lowden, Savannah, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 26, 1913 [1912], from the State of Georgia into the State of New York, of a quantity of oysters which were adulterated and misbranded. The product was labeled: (On cans) "Cove Oysters. Allen & Roberts Brand. R. C. Williams & Co. Distributors, New York, U. S. A. Allen & Roberts Brand Cove Oysters. Directions * * * Net Weight 4 oz."

Analysis and examination of samples of the product by the Bureau of Chemistry of this department showed the following results:

Can 1:

Weight (grams)—

Gross.....	380
Tin.....	69
Net.....	311 (10.96 ounces)
Weight of oyster meat, 82 grams=2.89 ounces.	
Shortage, 27.6 per cent.	
Can about one-half full of oyster meat.	

Can 2:

Weight (grams)—

Gross.....	377
Tin.....	67
Net.....	310 (10.93 ounces)
Weight of oyster meat, 75 grams=2.65 ounces.	
Shortage, 33.8 per cent.	
Can about one-third full of oyster meat.	

Can 3:

Weight (grams)—

Gross.....	377
Tin.....	64
Net.....	313 (11.04 ounces)
Weight of oyster meat, 88 grams=3.10 ounces.	
Shortage, 22.3 per cent.	
Can nearly one-half full of oyster meat.	

Can 4:

Weight (grams)—

Gross.....	378
Tin.....	68
Net.....	310 (10.93 ounces)
Weight of oyster meat, 93 grams=3.28 ounces.	
Shortage, 17.8 per cent.	
Can about one-half full of oyster meat.	
Average shortage, 4 cans, 25.3 per cent.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the article, oysters, in such a manner as to reduce, and lower, and injuriously affect the quality and strength of said article, and, further, in that a substance, to wit, water, had been substituted in part for said article. Misbranding was alleged for the reason that said article was labeled and branded so as to deceive and mislead the purchaser of said article, being

labeled on each of the cans "Net Weight, 4 oz.," thereby conveying the impression that the cans each contained 4 ounces of the product, whereas, in truth and in fact, each of the cans did not contain 4 ounces, and was short in weight. Misbranding was alleged for the further reason that said oysters were in package form, to wit, in cans, and the contents thereof were stated in terms of weight, but were not plainly and correctly stated upon the outside of each of said packages and cans.

On February 15, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

WASHINGTON, D. C., *June 8, 1915.*

D. F. HOUSTON, *Secretary of Agriculture.*

3908. Adulteration and misbranding of so-called cherry phosphate extract. U. S. v. Miner's Fruit Nectar Co. Plea of nolo contendere as to counts 1, 2, 4, and 5 of the information. Information placed on file. Third count of information nolle prossed. (F. & D. No. 4929. I. S. No. 21344-d.)

On March 19, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in five counts against the Miner's Fruit Nectar Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on February 11, 1912, from the State of Massachusetts into the State of Missouri, of a quantity of so-called cherry phosphate extract which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Colored with Amaranth; caramel present; benzaldehyde, 0.39 per cent; tartaric acid test positive; hydrocyanic acid test negative; ash, 0.28 per cent; phosphoric acid (P_2O_5), 0.017 per cent; lead, 43 mg per 1,000 cc.

Adulteration of the product was alleged in the first count of the information for the reason that a substance, to wit, an imitation cherry phosphate extract, had been substituted in part for said food; in the second count of the information for the reason that the product was colored in a manner, that is to say, by the addition thereto of caramel and coal-tar dye, whereby the inferiority of said food was concealed; and in the third count of the information for the reason that an added poisonous and deleterious ingredient, to wit, lead, was contained in said food so as to render the same injurious to health. Misbranding was alleged in the fourth count of the information for the reason that said food and the package and the label thereof bore a certain statement, design, and device regarding said food and the ingredients and substances contained therein, to wit, "Cherry Phosphate Extract" and "Artificial and Colored," which said statement, design, and device was false and misleading in that the words "Cherry Phosphate Extract" were branded and printed in prominent type, whereas the words "Artificial and Colored" appeared thereon, to wit, on said food, package, and label thereof, in an inconspicuous manner, thereby leading the purchaser to believe that said food was cherry and phosphate, whereas, in truth and in fact, it was not cherry and phosphate. Misbranding was alleged in the fifth count of the information for the reason that said food was an imitation of and offered for sale under the descriptive [distinctive (?)] name of another article, to wit, cherry phosphate extract, whereas, in truth and in fact, it was not cherry phosphate extract.

On October 6, 1914, the defendant company entered a plea of nolo contendere to the first, second, fourth, and fifth counts of the information, and the court ordered the same placed on file as to said counts. The third count of the information was nolle prossed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3909. Adulteration and misbranding of butter. U. S. v. Albert F. Lopez. Pleas of guilty. Fine, \$50. (F. & D. Nos. 4944, 5139. I. S. Nos. 21502-d, 2303-e.)

At the April, 1914, term of the District Court of the United States of America for the Southern District of New York, the jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned two indictments against Albert F. Lopez, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on April 27, 1912, from the State of New York into the State of South Carolina, and on July 16, 1912, from the State of New York into the State of Florida, of quantities of butter which was adulterated and misbranded. The first shipment was labeled: "V. Lopez & Co. New York, U. S. A. Packers of the celebrated Blue Ribbon Brand Butter Guaranteed Absolutely Pure." The second shipment was labeled: "Crescent Brand Butter Guaranteed Absolutely Pure Packed especially for Family use. V. Lopez & Co. New York, U. S. A. (Picture of cow and crescent)."

Analysis of a sample of the first shipment of the product by the Bureau of Chemistry of this department showed the following results: Water, 23.85 per cent; fat (by difference), 72.10 per cent; casein, etc., (by ignition), 1.38 per cent; ash, 2.67 per cent. Analysis of a sample of the product from the second shipment by said bureau showed the following results: Water, 19.20 per cent; fat (indirect), 74.10 per cent; casein, 2.10 per cent; ash, 4.60 per cent; total, 100.00 per cent; total solids, 80.80 per cent; sodium chlorid, 4.38 per cent. On the fat: Reichert-Meissl number, 26.10; iodine number, 40.12; refraction at 25° C., 1.4597; spoon test—fairly quiet, sputters a little.

Adulteration of the product in both shipments was charged in the indictments for the reason that a substance, to wit, water, had been mixed and packed with the article in such quantity as to reduce and lower and injuriously affect its quality and strength; further, for the reason that a substance, to wit, water in an excessive amount, had been substituted in part for the article, to wit, butter, and, further, for the reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted. Misbranding of the product in the first shipment was charged in one of the indictments for the reason that the statement "Butter Guaranteed Absolutely Pure," appearing on the label aforesaid regarding said article and the ingredients and substances contained therein, indicated that the article was pure butter conforming to the legal standard for pure butter, whereas, in truth and in fact, said article was not pure butter conforming to the legal standard for pure butter, but was an adulterated butter containing an excessive amount of water; and, further, for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Butter Guaranteed Absolutely Pure", thereby indicating that the article aforesaid was pure butter, whereas, in truth and in fact, it was not pure butter, but was an adulterated butter. Misbranding of the article in the other consignment was charged in the second indictment for the reason that the statement "Butter * * * Guaranteed absolutely pure", appearing on the label aforesaid regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was pure butter conforming to the legal standard for pure butter, whereas, in truth and in fact, the article aforesaid was not pure butter conforming to the legal standard for pure butter, but was an adulterated butter containing an excessive amount of water; further, for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Butter * * * Guaranteed absolutely pure", thereby indicating that the article aforesaid was pure butter, whereas, in truth and in fact, it was not pure butter, but was an adulterated butter containing an excessive amount of water.

It was further charged in the indictments that on October 20, 1911, a criminal information was filed in the United States District Court for the Southern District of New

York, charging Aimee Lopez and Albert F. Lopez with a violation of the Food and Drugs Act, and that on February 26, 1912, the said defendants pleaded guilty to said criminal information and were sentenced to pay a fine of \$10; further, that on January 22, 1912, a criminal information was filed in said United States District Court, charging said defendants with a violation of the Food and Drugs Act, and that on February 26, 1912, said defendants pleaded guilty to said criminal information, and were sentenced to pay a fine of \$10.

On May 14, 1914, the defendant entered pleas of not guilty to the indictments. On July 29, 1914, the cases having come on for hearing upon motions by defendant to quash the count of each of the indictments setting forth the allegations relative to prior convictions under the Food and Drugs Act, said motions were denied, as will more fully appear from the following memorandum decision by the court (Grubb, J.):

A motion has been made by the defendant to quash the fifth count of two indictments returned against him for violations of the Food and Drugs Act of June 30, 1906, on the grounds that the said fifth count of each indictment improperly and illegally contains allegations as to prior convictions under the Food and Drugs Act. It seems to be the proper practice to set forth in an indictment the allegations as to prior convictions of another offense. In the case of *Graham v. the State of West Virginia*, 224 U. S. 616, the court says on page 625:

"While it is familiar practice to set forth in the indictment the fact of prior conviction of another offense, and to submit to the jury the evidence upon that issue together with that relating to the commission of the crime which the indictment charges, still in its nature it is a distinct issue, and it may appropriately be the subject of separate determination. Provision for a separate, and subsequent, determination of his identity with the former convict has not been regarded as a deprivation of any fundamental right. It was established by statute in England that, although the fact was alleged in the indictment, the evidence of the former conviction should not be given to the jury until they had found their verdict on the charge of crime."

It may well be that this defendant would have the right to have the issue of his prior conviction tried by a separate jury, but that is a matter for the determination of the trial judge. In view of the decision of the Supreme Court in the Graham case, however, it would seem that the allegation as to a prior conviction was properly set forth in the indictment and, therefore, the motion to quash the fifth count of each indictment is denied.

On February 18, 1915, the defendant entered pleas of guilty to the two indictments, and the court imposed a fine of \$25 on each indictment, making an aggregate fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., June 8, 1915.

3910. Misbranding of whisky. U. S. v. Bert Ramsay & Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 4950. I. S. No. 18146-d.)

At the April, 1914, term of the District Court of the United States for the Western District of Texas, the grand jurors of the United States within and for said district, acting upon a report of the Secretary of Agriculture, upon presentment by the United States attorney for the district aforesaid, returned an indictment against Bert Ramsay & Co., a corporation, El Paso, Texas, charging shipment by said company, in violation of the Food and Drugs Act, on February 12, 1912, from the State of Texas into the State of Arizona, of a quantity of whisky which was misbranded. The bottles containing the product were labeled: (On front) "Guckenheimer Old Rye Whiskey. Distilled from Selected grain and matured in wood." (On back) "Caution Notice: This bottle has been filled and stamped under the provisions of the act of Congress approved March 3, 1897, entitled 'An Act to allow the bottling of distilled spirits in bond.' Any person who shall reuse this bottle for the purpose of containing distilled spirits without removing and destroying the stamp affixed to this bottle, or who shall reuse the stamp affixed to this bottle will be liable for each such offense to a fine of not less than one hundred nor more than one thousand dollars, and to imprisonment for not more than two years. Bottling Department Registered Distillery No. 34, Fifth Coll. Dist. State of Kentucky * * * Every person who empties a bottle filled and stamped under the above act must at once completely efface and obliterate every mark, label, stamp or caution notice which has been placed thereon according to law. Mellwood Distillery Company, Distillers, Louisville, Kentucky, U. S. A."

Examination of a sample of the product by the supervisor of the Kentucky Distilleries & Warehouse Co. (Inc.), an expert, showed the product to be a Bourbon whisky of good maturity and quality. The degustative test was applied. In the opinion of the expert the product was not a pure rye whisky, nor of sufficient rye characteristic to be termed a rye whisky under the assumption that 51 per cent of the grain used being rye would entitle it to be called rye whisky. The examination also showed that the product was not the article known to the trade as "Guckenheimer Old Rye Whiskey."

Misbranding of the product was charged in the indictment for the reason that said brand set forth above was false and misleading and calculated and intended to deceive the purchaser thereof in that said liquid substance and beverage contained in each of the bottles in fact and in truth was a liquid commonly known as Bourbon whisky, and being a derivative and made from corn and not rye [and not being rye] whisky as labeled and containing Mellwood Bourbon whisky and not Guckenheimer old rye whisky.

On April 8, 1914, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3911. Adulteration and misbranding of "Malt and Hop Liquid Food." U. S. v. Schuster Brewing Co. Plea of guilty. Fine, \$10. (F. & D. No. 4956. I. S. No. 6173-d.)

On November 17, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schuster Brewing Co., a corporation, Rochester, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on May 27, 1912, from the State of Minnesota into the State of Missouri, of a quantity of so-called "Malt and Hop Liquid Food," which was adulterated and misbranded. The product was labeled: (On casks) "Malt Food—The contents of this container is 100 bottles of fermented Malt Liquor of 12 ounce capacity each. Schuster Brewing Co. Rochester, Minnesota, Consignor." (On bottles) (Trade Mark) "Schuster's Malt and Hop Liquid Food Serial No. 2288. Guaranteed by Schuster Brewing Co. Under the Food and Drugs Act. June 30th, 1906. Also the food laws of all States. Capacity 12 oz., 4% alcohol. Mfrd. only by Schuster Brewing Co., Rochester, Minn. \$1000 bona fide guarantee that there is no adulteration whatever in the production of this malt and hop food and that it is a perfectly fermented malt liquor." "Gives great strength to nursing mother and her baby." "A boon to those of overworked brains, shattered nerves and no appetite. Gives sound and refreshing sleep." "None genuine without this signature Schuster Brewing Co." "A great strength giver—A pure liquid food—Contains no drug whatever." "None genuine without this signature Schuster Brewing Co."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity.....	1. 02397
Specific gravity distillate.....	0. 99271
Refraction, Zeiss, 17.5° C.....	53. 2
Refraction, Zeiss, distillate, 17.5° C.....	21. 5
Alcohol by specific gravity (per cent by volume).....	5. 07
Alcohol by Zeiss refractometer (per cent by volume).....	5. 03
Extract by specific gravity (per cent).....	8. 00
Extract, by Zeiss refractometer (grams per 100 cc).....	8. 15
Extract original wort (per cent).....	16. 12
Degree fermentation.....	50. 37
Volatile acid, as acetic (grams per 100 cc).....	0. 0114
Total acid, as lactic (grams per 100 cc).....	0. 2025
Maltose (per cent).....	2. 19
Dextrin (per cent).....	4. 40
Ash (per cent).....	0. 172
P ₂ O ₅ (per cent).....	0. 046
Proteid (per cent).....	0. 293
Polarization, undiluted (°V.).....	+64
Color (degrees, Brewer's scale, ¼-inch cell).....	19
Basis 15 per cent wort:	
P ₂ O ₅ (per cent).....	0. 043
Proteid (per cent).....	0. 273
Ash (per cent).....	0. 160

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a product prepared from barley malt, hops, corn, and rice, had been substituted wholly or in part for a product prepared exclusively from barley malt and hops. Misbranding was alleged for the reason that the words "Malt and Hop Liquid Food," borne on the bottles containing the product, were false and misleading in that the article purported to be a product prepared wholly from barley and hops, when, in truth and in fact, it was not so prepared, but was prepared from

a substitute for said barley and hops, to wit, a product prepared from barley malt, hops, corn, and rice. Misbranding was alleged for the further reason that the label on the bottles bore pictorial matter of barley and hops, which tended to mislead the purchaser into the belief that said product was made exclusively from barley and hops, whereas, in truth and in fact, said product was not so prepared, but was prepared from barley malt, hops, corn, and rice.

On November 17, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

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3912. Adulteration and misbranding of so-called bran. U. S. v. 1,200 Sacks * * * of
* * * Wheat Bran. Product released on bond. Order of dismissal. (F. & D.
Nos. 5009, 5010. I. S. Nos. 4741-e, 4744-e. S. No. 1672.)

On January 28, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a District Court, a libel for the seizure and condemnation of 1,200 sacks, more or less, each containing 100 pounds, more or less, of an article having the appearance and consisting in part of wheat bran, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been shipped and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds Wheat Bran Manufactured From Pure Winter Wheat by the Dunlop Mills, Richmond, Va. Guaranteed Analysis: Protein—not under—14.5%; Fat—not under—4.%; Sugar and Starch (Carbohydrates)—not under—54.%; Fiber—not over—9.5%; Made from pure winter wheat."

Adulteration of the product was alleged in the libel for the reason that a certain other substance, to wit, screenings, had been mixed and packed with said product so as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that each of said sacks was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels indicated that the product was wheat bran, whereas, in truth and in fact, it was not wheat bran, nor entitled to be so called, but consisted in part of wheat bran and in part of another substance commonly known as screenings. Misbranding was alleged for the further reason that each of the sacks was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels on each of the sacks indicated that the product was wheat bran, when, in truth and in fact, it was not wheat bran, nor entitled to be so called, but consisted in part of wheat bran and in part of another substance, commonly known as screenings.

Thereafter the following stipulation was entered into between counsel for libellant and for the Dunlop Mills, Richmond, Va., claimant:

Whereas the above-entitled action is pending in the Supreme Court of the District of Columbia, and

Whereas, the Dunlop Mills, the manufacturers of said wheat bran, of Richmond, Va., have appeared as claimant in said action, and,

Whereas, the said claimant wishes to release the so-called wheat bran under the terms, conditions, and provisions of section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912, and all other amendments thereto, if any there be, and to that end wishes to give a bond, as required by said act, and to release said bran and to have said cause dismissed, the said claimant herein having filed a satisfactory bond as provided by section 10 of the Food and Drugs Act of June 30, 1906, as amended August 12 [23], 1912,

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the above entitled action is hereby dismissed and the bran released from seizure.

On February 16, 1915, it appearing to the court that the product had been delivered to said claimant upon the giving of a satisfactory bond in accordance with the stipulation set out above, it was ordered by the court that the cause should be dismissed and that the claimant should pay the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3913. Adulteration and misbranding of wine. U. S. v. 10 Cases of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5013. I. S. No. 5636-e. S. No. 1673.)

On January 30, 1913, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing about 24 bottles of wine, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on September 18, 1912, and transported from the State of Ohio into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The bottles were labeled: "Special Wine—Belle of the Valley—Scuppernong Bouquet—Delaware and Scuppernong Blend—Ameliorated with sugar solution—The Bayview Wine Co. Sandusky, Ohio."

It was alleged in the libel that the wine or alleged wine was misbranded in that it was an imitation wine made wholly or in part from a base [wine] prepared from pomace and cane sugar, and was not a scuppernong wine. It was further alleged that the product was adulterated and misbranded in that it was not wine—scuppernong bouquet—but was an imitation wine made wholly or in part from a base [wine] prepared from pomace and cane sugar.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3914. Adulteration and misbranding of beer. U. S. v. 100 Cases * * * of Beer. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5017. I. S. No. 4724-e. S. No. 1681.)

On February 3, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 100 cases, more or less, each containing 24 bottles of beer, remaining unsold in the original unbroken packages, at Washington, D. C., alleging that the product had been manufactured by the Chr. Heurich Brewing Co. within the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product was labeled: "Chr. Heurich Brewing Co.—Maerzen—An Exclusive Malt & Hop Brew—Washington, D. C." The labels on each of the bottles also bore representations of medals of award given at the Paris exposition containing the inscription, "For Purity and Excellence," and said labels also bore representations of shafts of barley and stems and heads of hops, and a design consisting of the letter "H" over a silver leaf.

Adulteration of the product was alleged in the libel for the reason that sugar or a cereal had been substituted wholly or in part for malt in the manufacture of said product. Misbranding was alleged for the reason that the labels on said bottles bore statements, designs, and devices regarding the article and the ingredients and substances contained therein, which statements, designs, and devices were false and misleading in that the said labels bore the statement "An Exclusive Malt & Hop Brew," and designs representing stems and heads of hops and shafts of barley, whereas, in truth and in fact, the said article was not an exclusive malt and hop brew, but was a product in which sugar or a cereal had been substituted wholly and in part for the said malt. Misbranding was alleged for the further reason that said product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels on said bottles and each of them indicated that the contents of the bottles was an exclusive malt and hop brew, when in truth and in fact it was not an exclusive malt and hop brew, but was a product in which sugar or a cereal had been substituted wholly and in part for said malt.

On February 20, 1913, the said Chr. Heurich Brewing Co., claimant, having consented to a decree and paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered and surrendered to said claimant upon the execution of a good and sufficient bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3915. Misbranding of chicory. U. S. v. 300 Cases of Chicory. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5026. I. S. No. 1380-e. S. No. 1666.)

On February 11, 1913, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 23, 1914, a supplemental libel, for the seizure and condemnation of 300 cases, each containing 100 two-ounce packages of chicory, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on January 9 and February 1, 1913, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Scheuer Brand Finest Chicory—Trade Mark—R'g'sted. Manufactured for Georg Jos. Scheuer, Inc., in New York, N. Y.—Introduced in Bavaria, Switzerland, Italy and America—Any Imitations Will be Prosecuted—Georg Josef Scheuer—Contents 2 Ounces," and on margin of label a declaration in German, and the following, to wit, "Seggermann Bros., New York, sole distributors for the United States."

Misbranding was alleged in the libel for the reason that said article of food purported to be a foreign product when not so, in that each of said packages containing the article of food was labeled and branded in substance as set forth above, by virtue of which said label and brand the said article purported to be a foreign product, a product of Germany, whereas, in truth and in fact, the said article of food was not a product of Germany, but had been produced in the city of New York in the State of New York in the United States of America. Misbranding was alleged in the supplemental libel for the reason that said article of food was labeled so as to deceive and mislead the purchaser; further, in that the label on said article of food was misleading in a certain particular, to wit, in that the label was in wording and design an imitation of a certain well-known label, to wit, the label used by Georg Josef Scheuer on chicory manufactured by him at Schoenebeck, Elbe, Germany; further, in that said article of food purported to be a foreign product when not so; and further, in that said article of food was falsely branded as to the country in which it was manufactured.

On November 30, 1914, Georg Josef Scheuer, Inc., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3916. Adulteration and misbranding of so-called pure cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5071. I. S. No. 1550-e.)

On July 31, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 2, 1912, from the State of Illinois into the State of Indiana, of a quantity of so-called pure cider vinegar which was adulterated and misbranded. The product was labeled: "Pure Cider Vinegar R. P. Shanklin & Co., Frankfort, Ind. Distributors. 49 gals. Absolutely pure." "Guaranteed cider vinegar 4 per centum."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	0.19
Glycerol (grams per 100 cc).....	0.18
Solids (grams per 100 cc).....	1.76
Reducing sugars (grams per 100 cc)	0.53
Nonsugar solids (grams per 100 cc)	1.23
Sugars in solids (per cent).....	30.11
Ash (grams per 100 cc)	0.26
Alkalinity of soluble ash (cc N/10 HCl per 100 cc).....	23.20
Total P ₂ O ₅ (mg per 100 cc).....	12.9
Total acid, as acetic (grams per 100 cc).....	4.13
Fixed acid, as malic (grams per 100 cc).....	0.03
Lead precipitate: Light.	
Polarization, direct (°V).....	-1.4
Ash in nonsugar solids (per cent)	22.76

Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the article of food aforesaid, so as to reduce and lower and injuriously affect its quality and strength; further, for the reason that a substance, to wit, water, had been substituted wholly for the article of food aforesaid; and further, for the reason that a substance, to wit, water, had been substituted in part for the article of food aforesaid. Misbranding was alleged for the reason that each of the barrels bore a label in words and figures as follows, to wit, "Pure Cider Vinegar R. P. Shanklin & Co., Frankfort, Ind. Distributors. 49 gals. Absolutely pure." "Guaranteed cider vinegar 4 per centum," which said statement appearing on the label was false and misleading, in that said statement represented to the purchaser that the article of food was pure cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain pure cider vinegar but contained a mixture of cider vinegar and water. Misbranding was alleged for the further reason that said statement appearing on the label misled and deceived the purchaser, in that said statement represented to the purchaser that the article of food was pure cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain pure cider vinegar but contained a mixture of cider vinegar and water.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3917. Adulteration of mints. U. S. * * * v. 19 Cases * * * Mints. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5102. I. S. No. 4337-e. S. No. 1737.)

On May 21, 1913, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 cases, each containing 27 cartons of mints, remaining unsold in the original unbroken packages at Brooklyn, N. Y., said mints having been shipped on or about February 14, 1913, from the State of Pennsylvania into the State of New York, the libel charging that the same were adulterated in violation of the Food and Drugs Act. The product was labeled: "Mulford Mints—H. K. Mulford Company, Chemists, Philadelphia—Aids digestion, sweetens the breath. Other flavors, Violets, Aromatics, Wintergreen. H. K. Mulford Co."

It was alleged in the libel that the product was adulterated within the meaning of section 7 of the Food and Drugs Act in that said food and food product contained talc.

On February 2, 1915, the H. K. Mulford Co., Philadelphia, Pa., having filed its claim and stipulation for costs and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all costs of the proceedings and the execution of the bond in the sum of \$1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the mints should be dissolved of the sugar contained therein and that the separation of the talc therein contained should be under the surveillance of a representative of the United States Department of Agriculture.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3918. Misbranding of so-called Savigny & Cie. brandy cognac. U. S. v. Hans Jensen et al. (Hans Jensen Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5140. I. S. No. 1904-e.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hans Jensen, Hugo Jensen, and William Jensen, copartners, doing business as Hans Jensen Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on April 11, 1912, from the State of Illinois into the State of Iowa, of a quantity of so-called Savigny & Cie. brandy cognac, which was misbranded. The product was labeled: "Savigny & Cie. Brand Brandy Cognac Type. Guaranteed by Hans Jensen Co., Chicago, Illinois, under the National Pure Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters of 100° proof, unless otherwise stated:

Proof, corrected (degrees).....	89.3
Solids.....	514.3
Acids.....	44.4
Esters.....	37.5
Aldehydes.....	7.6
Furfural.....	0.5
Fusel oil.....	40
Color, insoluble in amyl alcohol (per cent).....	59
Total color, to 100 proof (degrees, $\frac{1}{2}$ -inch cell).....	10.6

Misbranding of the product was alleged in the information for the reason that each of the bottles containing the article bore a label in words and figures as follows, to wit, "Savigny & Cie. Brand Brandy Cognac Type. Guaranteed by Hans Jensen Co., Chicago, Illinois, under the National Pure Food and Drugs Act, June 30, 1906," which said statement appearing on the label of the bottles was false and misleading, in that the statement "Brandy Cognac" represented to the purchaser that the article of food aforesaid was cognac, whereas, in truth and in fact, it was not cognac, but a product prepared from brandy and neutral spirits, the words "Brand" and "Type," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression conveyed by the statement "Brandy Cognac." Misbranding was alleged for the further reason that said statement appearing on the label of each of the bottles misled and deceived in that the statement "Brandy Cognac" represented to the purchaser that the article of food aforesaid was cognac, whereas, in truth and in fact, it was not cognac, but was a product prepared from brandy and neutral spirits; misbranding was alleged for the further reason that said statement appearing on the label of each of the bottles represented to the purchaser that the article of food aforesaid was cognac, whereas, in truth and in fact, it was not cognac, but an imitation of another article, to wit, cognac.

On December 3, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3919. Adulteration and misbranding of so-called cognac brandy. U. S. v. Samuel Michael
Plea of guilty. Fine, \$15. (F. & D. No. 5143. I. S. No. 19081-d.)

On February 22, 1915, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Michael, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 23, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called cognac which was adulterated and misbranded. The product was labeled: "Jules Maurie Brand Cognac Brandy Type. Guaranteed under the Pure Food and Drugs Act, June 30, 1906. Special Notice: To prevent imitations we shall wire and seal all our bottles."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Proof, corrected 60° F.....	77.3
Fusel oil (grams per 100 liters, 100° proof).....	6.8
Marsh test; caramel.	

This analysis indicates the product to be neutral spirits, colored with caramel.

Adulteration of the product was alleged in the information for the reason that certain substances were substituted wholly or in part for the genuine article, that is to say, certain substances, to wit, a mixture of neutral spirits and brandy, artificially colored with caramel, were substituted wholly or in part for the true cognac brandy, which the said article purported to be. Misbranding of the product was alleged for the reason that the label on each of the bottles bore statements, designs, and devices which were false and misleading, that is to say, the label on each of the bottles containing the product bore the statement "Jules Maurie Brand Cognac Brandy," which said statement was false and misleading, and was calculated to [deceive] and deceived the purchaser into the belief that said article was true French cognac, whereas, in truth and in fact, the said article was not true French cognac, but was an imitation thereof, consisting of a mixture of brandy and neutral spirits, artificially colored in imitation of true French cognac, and the word "Type" upon the label of each of said bottles, in small letters, was not sufficient to correct the false impression created by the word "Cognac." Misbranding was alleged for the further reason that the label on each of the bottles bore the statement "Jules Maurie Brand Cognac Brandy," which said statement purported that said food product was true French cognac, whereas, in truth and in fact, the said food product was sold under the distinctive name of another article, to wit, French cognac, and was an imitation of French cognac, consisting of a mixture of neutral spirits and brandy, artificially colored with caramel. Misbranding was alleged for the further reason that said food and food product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a true cognac, that is, a brandy produced in Charente, France, whereas, in truth and in fact, the said food and food product was a mixture of neutral spirits and brandy, artificially colored with caramel in imitation of the true cognac produced at Charente, France. Misbranding was alleged for the further reason that said food and food product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a foreign product, to wit, a product of France, whereas, in truth and in fact, it was a domestic product.

On March 25, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3920. Adulteration and misbranding of pepper. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 5148. I. S. No. 2406-c.)

On April 20, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 5, 1912, from the State of Missouri into the State of Tennessee, of a quantity of pepper which was adulterated and misbranded. The product was labeled: "Gilt Edge Brand Pepper Pure Spices." "Packed Expressly for Specialty Mfg. Co., Memphis, Tennessee." "Packed Expressly for Specialty Mfg. Co., Memphis, Tennessee. Guaranteed Serial No. 2639."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent).....	6. 50
Ash insoluble in HCl (per cent)	1. 23
Crude fiber (per cent).....	16. 76
Non-volatile ether extract (per cent).....	8. 44
Microscopic examination: Does not compare favorably with a standard pepper; added pepper shells indicated.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added pepper shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and, further, in that said substance, to wit, added pepper shells, had been substituted wholly or in large part for pure pepper, which the article purported to be. Misbranding was alleged for the reason that the statement on the label thereof, "Pepper," was false and misleading in that it conveyed the impression that the product was pure pepper, whereas in fact it was a mixture of pepper and added pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a pure pepper, whereas in fact it was not pure pepper, but a mixture of pepper and added pepper shells.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3921. Adulteration and misbranding of ground pepper. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 5149. I. S. No. 2401-e).

On April 20, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1912, from the State of Missouri into the State of Tennessee, of a quantity of ground pepper which was adulterated and misbranded. The product was labeled: "Purity Brand Pure Pepper, Ground. (L. G.) Distributed by J. C. Edenton Co., Jackson, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent).....	6. 67
Ash insoluble in HCl (per cent).....	1. 30
Crude fiber (per cent).....	18. 36
Nonvolatile ether extract (per cent).....	7. 34

Microscopic examination: Does not compare favorably with standard pepper; added pepper shells indicated.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added pepper shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and, further, in that said substance, to wit, pepper shells, had been substituted wholly or in large part for pure pepper, which the article purported to be. Misbranding was alleged for the reason that the statement on the label, "Pepper," was false and misleading in that it conveyed the impression that the product was a pure pepper, whereas in fact it was a mixture of pepper and added pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a pure pepper, when in fact it was not a pure pepper, but was a mixture of pepper and added pepper shells.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3922. Adulteration and misbranding of pepper. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 5150. I. S. No. 21114-d.)

On April 20, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 9, 1912, from the State of Missouri into the State of Kentucky, of a quantity of pepper which was adulterated and misbranded. The product was labeled: "Preston Club Pepper. Distributed by Louisville Coffee Co., Incorporated, Louisville, Ky."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent).....	7.10
Ash insoluble in HCl (per cent).....	1.80
Crude fiber (per cent).....	18.50
Nonvolatile ether extract (per cent).....	8.27

Microscopic examination: Does not compare favorably with a standard pepper; added pepper shells indicated.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added pepper shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and, further, in that said substance, to wit, added pepper shells, had been substituted wholly, or in large part, for pure pepper which the article purported to be. Misbranding was alleged for the reason that the statement on the label thereof, "Pepper," was false and misleading in that it conveyed the impression that the product was a pure pepper, whereas in fact it was a mixture of pepper and added pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a pure pepper, whereas in fact it was not pure pepper, but a mixture of pepper and added pepper shells.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3923. Adulteration and misbranding of so-called scuppernong wine. U. S. v. S. Hirsch Distilling Co. (Minuet Cordial Co.) Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5226. I. S. No. 18161-d.)

On March 31, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Hirsch Distilling Co., a corporation, Kansas City, Mo., doing business under the name of Minuet Cordial Co., and using said name, Minuet Cordial Co., as a trade name, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 25, 1912, from the State of Missouri into the State of Arizona, of a quantity of so-called "Very fine Scuppernong Wine" which was adulterated and misbranded. The product was labeled: "From Minuet Cordial Co., Distillers of High Grade Cordials, 415-417 Delaware St., Kansas City, Mo. C. E. Patty, Phoenix, Ariz. Very Fine Guaranteed XXX Serial No. 5897-A Scuppernong Wine Refrigerator 25 Gals. Scuppernong Refrigerator."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Chlorin (grams per 100 cc).....	0.0050
Specific gravity.....	1.0270
Alcohol (per cent by volume).....	18.85
Solids (grams per 100 cc).....	12.90
Nonsugar solids (grams per 100 cc).....	2.50
Reducing sugar (grams per 100 cc).....	10.40
Sucrose by Clerget.....	0.0
Polarization, undiluted, direct (°V.).....	-22.8
Polarization, undiluted, invert (°V.).....	-22.4
Polarization, undiluted, invert at 87° C. (°V.).....	-8.0
Ash (grams per 100 cc).....	0.304
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	22.0
Alkalinity of insoluble ash (cc N/10 acid per 100 cc).....	6.8
Acid as tartaric (grams per 100 cc).....	0.443
Volatile acid as acetic (grams per 100 cc).....	0.074
Fixed acid as tartaric (grams per 100 cc).....	0.350
Total tartaric acid (grams per 100 cc).....	0.098
Cream of tartar (grams per 100 cc).....	0.122

Adulteration of the product was alleged in the information for the reason that it was stated on the label upon the cask that the contents thereof was very fine scuppernong wine, [whereas], in truth and in fact, a certain substance, namely, a wine of the sherry type, had been substituted wholly or in part for the genuine article, namely, scuppernong wine. Misbranding was alleged for the reason that the statement borne on the label upon the cask, to wit, "Very fine Scuppernong Wine," was false and misleading because it misled and deceived the purchaser into the belief that the product was genuine scuppernong wine, whereas, in truth and in fact, it was not scuppernong wine, but a wine of the sherry type.

On November 4, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.

3924. Adulteration of frozen egg product. U. S. v. Greenwich Egg Co. Plea of guilty. Fine, \$10. (F. & D. No. 5241. I. S. No. 36301-e.)

On September 1, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Greenwich Egg Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 16, 1912, from the State of New York into the State of New Jersey, of a quantity of frozen egg product which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 9.41 milligrams of ammonia nitrogen per 100 grams of sample. Examination of a sample of the product by said Bureau of Chemistry showed the following results: 75,000,000 organisms per cc, plain agar, 25° C.; 71,000,000 organisms per cc, plain agar, 37° C.; 10,000,000 gas-producing organisms per cc in bile fermentation tubes at 37° C.; 100,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 29, 1914, a plea of guilty was entered in behalf of the defendant corporation, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3925. Adulteration and misbranding of wine. U. S. v. 2 Casks of Wine. Default decree of condemnation, forfeiture, and destruction. (P. & D. No. 5302. I. S. No. 1110-h. S. No. 1898.)

On August 16, 1913, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 casks, each containing 6 dozen bottles of wine remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on March 7, 1913, and transported from the State of Ohio into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Sweetened with cane sugar. Delaware and Scuppernong Blend. Ameliorated with sugar solution. Scuppernong Bouquet Wine. The Sweet Valley Wine Co., Sandusky, Ohio." (Neck label) "Guaranteed by the Sweet Valley Wine Co. under the Food and Drugs Act June 30, 1906."

It was alleged in the libel that the wine or alleged wine was misbranded in that it was an imitation wine made wholly or in part from another wine or wines or base wine, sweetened and mixed in imitation of scuppernong wine. It was further alleged that the product was adulterated and misbranded in that it was not wine—scuppernong bouquet—but was an imitation wine made wholly or in part from another wine or wines or base wine, sweetened and mixed in imitation of scuppernong wine.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3926. Misbranding of grapine. U. S. v. 10 Cases * * * 24 Cases * * * and 14 Cases * * * Grapine. Tried to the court and jury. Finding in favor of Government. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5318. I. S. No. 2808-h. S. No. 1911.)

On August 21, 1913, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 2 dozen half-pint bottles, 24 cases, each containing 2 dozen pint bottles, and 14 cases, each containing 1 dozen quart bottles of grapine, an alleged fruit sirup, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the product had been shipped on or about June 28, 1913, and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The 10 cases were labeled: (On one end) "2 dozen 1-2 pints" (On both ends) "Wm. A. Beatty Co. Inc. Grapine The Health Drink Los Angeles" (On two sides) "California Grapine." The bottles in these cases were labeled: "California Grapine (design of bunch of grapes) The Health Drink Compound. Added Color. 8 oz. net. Guaranteed by Wm. A. Beatty Company, Inc., Los Angeles, Cal. Under the Pure Food and Drug Act, June 30, 1906 Serial No. 38170. 7 in 1 Grapine. The Health Drink Grapine is a concentrated sirup. One pint of Grapine makes 7 pints of finished drink and one quart of Grapine makes 7 quarts of finished drink. Use one part of Grapine to six parts of water—either plain or carbonated. Mix thoroughly and serve ice cold. Grapine contains all the valuable elements of the grape including the sugar and other substances nature placed there. Grapine is a valuable tonic and food and is pure and wholesome. Use Grapine as a flavoring for Ice Cream, Puddings, Desserts, Frostings, Cakes, Candies, Fruit Punches, etc. Ask your dealer for book of recipes or write to us. Wm. A. Beatty Co., Inc., Los Angeles, Cal." The 24 cases were labeled: (On one end) "2 doz. pints" (On one end) "Wm. A. Beatty Co., Inc. Grapine The Health Drink Los Angeles" (On one end thereof and two sides) "California Grapine The Ideal 7 in 1 Family Beverage" The bottles in these cases were labeled: "California Grapine (design of bunch of grapes) The Health Drink Contains Added Color. Free from Preservative. 16 ozs. Guaranteed by Wm. A. Beatty Company, Inc., Los Angeles, Cal. Under the Pure Food and Drug Act, June 30, 1906 Serial No. 38170 7 in 1 Grapine The Health Drink Grapine is a concentrated sirup. One pint of grapine makes 7 pints of finished drink and one quart of Grapine makes 7 quarts of finished drink. Use one part of Grapine to six parts of water either plain or carbonated. Mix thoroughly and serve ice cold. Grapine contains all the valuable elements of the grape including the sugar and other substances nature placed there. Grapine is a valuable tonic and food and is pure and wholesome. Use Grapine as a flavoring for Ice Cream, Puddings, Desserts, Frostings, Cakes, Candies, Fruit Punches, etc. Ask your dealer for book of recipes or write to us. Wm. A. Beatty Co., Inc., Los Angeles, Cal. Notice This Syrup is concentrated and must be diluted with water, according to directions, before using." The 14 cases were labeled: (On one end thereof) "1 dozen quarts" (On one end thereof) "Wm. A. Beatty Co., Inc., Grapine The Health Drink Los Angeles" (On one end and two sides thereof) "California Grapine The Ideal 7 in 1 Family Beverage." The bottles in these cases bore the same label as the bottles in the 24 cases with the exception that "32 oz." appeared in the place of "16 oz."

Misbranding was alleged in the libel for the reason that the alleged fruit sirup was labeled and branded in a manner to deceive and mislead all purchasers and the public generally, in that the designation of the contents of the said bottles as "Grapine" and the claim and statement contained in and upon the labels aforesaid that said alleged fruit sirup contained "all the valuable elements of the grape including sugar and other substances nature placed there," together with the pictorial design on said labels of clusters of grapes indicating that the contents of the bottles were prepared

from grapes, were false and misleading, as, in truth and in fact, the said alleged fruit sirup was no grape product, but an artificially colored and flavored preparation in imitation of grape sirup.

On September 14, 1914, the case having come on for trial before the court and a jury, a finding in favor of the Government was made by the jury, and on September 21, 1914, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after removing and destroying the labels thereon.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3927. Adulteration of so-called choice California white figs. U. S. v. 25 Cases * * * of So-called Choice California White Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5380. I. S. No. 834-h. S. No. 1981.)

On or about October 29, 1913, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 25 pounds of so-called choice California white figs, remaining unsold in the original unbroken packages at Dallas, Tex., alleging that the product had been shipped during October, 1913, and transported from the State of California into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Choice California White Figs, Sulphur Bleached, packed by Roeding Fig Packing Company, Fresno, California."

Adulteration of the product was alleged in the libel for the reason that the figs consisted in whole or in part of filthy, putrid, and decomposed vegetable substance.

On March 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3928. Adulteration and misbranding of peppermint and ginger extracts, so-called. U. S. v. Victor Gautier & Co., Inc. Pleas of guilty. Fine, \$50. (F. & D. No. 5384. I. S. Nos. 2676-c, 2677-c.)

On December 17, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Victor Gautier & Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 4, 1912, from the State of New York into the State of Pennsylvania, of quantities of so-called peppermint extract and ginger extract, which were adulterated and misbranded. The peppermint extract was labeled: (Neck label) "Peppermint". (Main label) "Superfine Peppermint Drops Compound Contains Harmless Color These goods are carefully compounded and prepared under the most modern and improved methods and are guaranteed by Victor Gautier & Co. Inc. New York under the Pure Food and Drugs Act, June 30th, 1906. Serial No. 8115."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Peppermint oil: Trace.	
Ethyl alcohol (per cent).....	30. 24
Methyl alcohol: None.	
Capsicum: Present.	
Color: Naphthol Yellow S.	

Adulteration of this product was alleged in one of the informations for the reason that a substance, to wit, an artificially colored dilute alcoholic solution containing capsicum and a trace of peppermint oil, had been substituted wholly or in part for the genuine extract of peppermint which the article purported to be. Misbranding was alleged for the reason that the statements "Peppermint" and "Superfine Peppermint" regarding the article and the substances and ingredients therein contained, were false and misleading, in that they indicated that said article was a genuine extract of peppermint, whereas, in truth and in fact, said article was not a genuine extract of peppermint, but was an artificially colored alcoholic solution containing capsicum and a trace of peppermint oil. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser,] being labeled "Peppermint" and "Superfine Peppermint," thereby indicating that said article was a genuine extract of peppermint, whereas, in truth and in fact, said article was not a genuine extract of peppermint, but was an artificially colored dilute alcoholic solution containing capsicum and a trace of peppermint oil.

The so-called ginger extract was labeled: (Neck label) "Ginger". (Main label) "Superfine Jamaica type Ginger Drops Compound These goods are carefully compounded and prepared under the most modern and improved methods and are guaranteed by Victor Gautier & Co. Inc. New York under the Pure Food and Drugs Act, June 30th, 1906. Serial No. 8115."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume).....	31. 34
Methyl alcohol: None.	
Ginger: Present.	
Capsicum: Present.	
Total solids (per cent).....	0. 30
Alcohol-soluble solids (per cent).....	0. 15
Water-soluble solids (per cent).....	0. 28
Total solids soluble in alcohol (per cent).....	51. 72
Total solids soluble in water (per cent).....	95. 35
Color: Natural.	

Adulteration of this product was alleged in the other information for the reason that a substance, to wit, a[n artificially colored] dilute alcoholic solution containing capsicum and a trace of ginger, had been substituted wholly or in part for the genuine extract of ginger which the article purported to be. Misbranding was alleged for the reason that the statements "Ginger" and "Superfine Jamaica Ginger" regarding the article and the substances and ingredients therein contained were false and misleading, in that they indicated that said article was a genuine extract of ginger, whereas, in truth and in fact, said article was not a genuine extract of ginger, but was an [artificially colored] alcoholic solution containing capsicum and a trace of ginger. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Ginger" and "Superfine Jamaica Ginger," thereby indicating that said article was a genuine extract of ginger, whereas, in truth and in fact, it was not a genuine extract of ginger, but was a[n artificially colored] dilute alcoholic solution containing capsicum and a trace of ginger.

On January 4, 1915, the defendant company entered pleas of guilty to the two informations, and on January 5, 1915, the court imposed a fine of \$25 on each information, making an aggregate fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3929. Adulteration and misbranding of so-called ginger brandy. U. S. v. The Mihalovitch Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5385. I. S. No. 18756-d.)

On March 24, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 28, 1912, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called ginger brandy which was adulterated and misbranded. The product was labeled: "Ginger Brandy (Internal-Revenue stamp) 3290513—T. J. Lee, U. S. Gauger, 1st Dist. O.—May 28, 1912. Ginger Brandy. Guaranteed * * * * * June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Sucrose, Clerget (per cent).....	13.8
Glucose	0.0
Alcohol (per cent by volume).....	27.0
Methyl alcohol.....	0.0
Total solids (grams per 100 cc).....	17.5
Ginger test: Positive.	
Capsicum test: Negative.	
Artificial color.....	0.0
Furfural.....	0.0
Fusel oil (parts per 100 liters, 100° proof).....	1.6

Adulteration of the product was alleged in the information for the reason that neutral spirits, sugar, and ginger had been substituted wholly or in part therefor. Misbranding was alleged for the reason that the statement "Ginger Brandy," borne on the label of the article, was false and misleading because it misled and deceived the purchaser into the belief that said article was ginger brandy, whereas, in truth and in fact, said article of food was not ginger brandy, but was a mixture of neutral spirits, sugar, and ginger.

On October 23, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*

3930. Misbranding of salad dressing. U. S. v. The Horton-Cato Mfg. Co. Plea of guilty. Fine, \$50. (F. & D. No. 5387. I. S. No. 4866-e.)

On April 28, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Horton-Cato Manufacturing Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 1, 1912, from the State of Michigan into the State of Missouri, of a quantity of salad dressing which was misbranded. The product was labeled: (Neck label) "Keep in refrigerator or cool place." (Blown in bottle) "Royal Salad dressing. The Horton-Cato Mfg. Co., Detroit, Mich." (On four sides of carton) "One gallon Royal Salad Dressing, Manufactured only by The Horton-Cato Mfg. Co. Detroit, Mich., Windsor, Can."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Jug No.	Net volume.	Shortage.	Shortage.
	<i>Parts of gallon.</i>	<i>Parts of gallon.</i>	<i>Per cent.</i>
1.....	0.941	0.059	5.9
2.....	0.950	0.050	5.0
3.....	0.946	0.054	5.4
4.....	0.928	0.072	7.2
Average shortage.....			5.8

Misbranding of the product was alleged in the information for the reason that the statement "One gallon," borne on the label of the bottles containing the articles of food, was false and misleading because it misled and deceived the purchaser into the belief that the bottles contained 1 gallon of the article, whereas, in truth and in fact, the bottles did not contain 1 gallon of the article, but contained a less amount. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "One gallon," thereby conveying the impression that the bottles contained 1 gallon of the article, whereas, in truth and in fact, the bottles did not contain 1 gallon of the article, but contained a less amount.

On January 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3931. Adulteration of shell eggs. U. S. v. 426 Cases of Shell Eggs. Product ordered released on bond. (F. & D. No. 5391. S. No. 1984.)

On November 1, 1913, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 426 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Dallas, Tex., alleging that the product had been shipped on October 18, 1913, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that the said shipment, from an examination and inspection under the direction of the Secretary of the Department of Agriculture of the United States, consisted, in whole or in part, of a filthy, putrid, and decomposed animal substance which was unfit for food purposes; that said eggs and each case thereof were intended and designed to be sold and manufactured for food, but the same were, as aforesaid, filthy, putrid, and decomposed, contrary to and against the meaning and terms of the said act of June 30, 1906.

On December 1, 1913, upon motion of the Consolidated Egg Co., claimant, Dallas, Tex., it was ordered by the court that the product should be delivered to said claimant company upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,200, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3932. Adulteration and misbranding of so-called blackberry brandy. U. S. v. Isadore Bear (Sol. Bear & Co.). Submission entered. Fine, \$10 and costs. (F. & D. No. 5392. I. S. No. 4124-e.)

On February 17, 1914, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isadore Bear, trading as Sol. Bear & Co., Wilmington, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 20, 1912, from the State of North Carolina into the State of Virginia, of a quantity of so-called distilled blackberry brandy which was adulterated and misbranded. The product was labeled: "Pure Distilled Trade (design of standing bear holding fruit) Mark Blackberry Brandy Guaranteed Pure & to Conform to the National & All State Pure Food Laws. Sol. Bear & Co. Wilmington, North Carolina."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof, unless otherwise stated:

Proof (degrees).....	90.2
Solids.....	44.0
Acids, total, as acetic.....	6.7
Esters, fixed, as acetic.....	13.6
Aldehydes, fixed, as acetic.....	5.7
Furfural.....	0.1
Fusel oil (Allen-Marquardt method).....	19.0
Color (degrees, Lovibond, 0.5-inch cell).....	1.1
Color: Natural.	

The product consists almost entirely of neutral spirits.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy, had been substituted wholly or in part for what the product by its label and brand purported to be, to wit, distilled blackberry brandy. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of another article, to wit, distilled blackberry brandy, whereas, in truth and in fact, it was not distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy. Misbranding was alleged for the further reason that the product was labeled and branded as hereinbefore set forth so as to deceive and mislead the purchaser thereof into the belief that it was a distilled blackberry brandy, whereas, in truth and in fact, it was not a distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy. Misbranding was alleged for the further reason that the label on the product as above set forth contained a certain statement, to wit, "Distilled Blackberry Brandy," regarding the ingredients or substances contained therein, which said statement was false and misleading, in that it would mislead and deceive the purchaser thereof into the belief that the product was distilled blackberry brandy, whereas, in truth and in fact, it was not a distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries but flavored with blackberry brandy.

At the November, 1914, term of the District Court of the United States for the Eastern District of North Carolina, the defendant entered a submission, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3933. Adulteration and misbranding of so-called cognac. U. S. v. Jastrow Alexander et al. (Jastrow Alexander & Co.). Plea of guilty. Sentence suspended. (F. & D. No. 5410. I. S. No. 1344-e.)

On March 16, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jastrow Alexander and L. J. Alexander, copartners, trading under the firm name and style of Jastrow Alexander & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 4, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called cognac, which was adulterated and misbranded. The cases containing the product were labeled: "Tissot Frères 12 bottles 5s" and "Tissot Frères Cognac". The bottles contained in the cases were labeled: "Trade Mark Tissot's Brand Tissot Frères Cognac".

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof, unless otherwise stated:

Proof (degrees).....	85.3
Solids.....	99.4
Acids, total, as acetic.....	8.4
Esters.....	10.3
Aldehydes, as acetic.....	0.9
Furfural: Trace.	
Fusel oil (Allen-Marquardt method)	22.8
Color insoluble in amyl alcohol (per cent)	45.0

Adulteration of the product was alleged in the information for the reason that a mixture of neutral spirits, brandy, and caramel had been substituted wholly or in part for cognac which the article purported to be, and, further, for the reason that the article was colored with caramel, whereby the inferiority of said article was concealed. Misbranding was alleged for the reason that the statement "Tissot's Brand—Tissot's Frères Cognac", borne on the bottle labels of the article, and the statement "Tissot Frères Cognac," borne on the case containing the article, were false and misleading in that they conveyed the impression that the product was cognac, whereas, in truth and in fact, it was not cognac, but was a mixture of neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled on the bottle "Tissot's Brand—Tissot Frères Cognac", and being labeled on the cases containing the article "Tissot Frères Cognac," thereby creating the impression that the product was cognac, whereas, in truth and in fact, the article was not cognac, but was a mixture of neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the statement on the bottle label, "Tissot's Brand—Tissot Frères Cognac," and the statement on the case containing the article, "Tissot Frères Cognac", were false and misleading in that they conveyed the impression that the article was a foreign product, to wit, a cognac produced in France, whereas, in truth and in fact, the article was not a cognac nor a cognac produced in France, but was an imitation cognac manufactured in the United States from neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded on the bottle "Tissot's Brand—Tissot Frères Cognac", and labeled and branded on the case containing the article "Tissot Frères Cognac," thereby creating the impression that the article was a foreign product, to wit, a cognac produced in France, whereas, in truth and in fact, the article was not a cognac nor a cognac produced in France, but was an

imitation cognac manufactured in the United States from neutral spirits, brandy, and caramel.

On October 23, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court suspended sentence.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3934. Misbranding of poultry feed. U. S. v. C. M. Harrison et al. (Harrison-Johnson Co.).
Plea of nolo contendere. Sentenced by court to pay costs of proceeding. (F. & D.
 No. 5523. I. S. No. 4638-d.)

On December 3, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. M. Harrison and J. W. Johnson, copartners, trading under the firm name and style of the Harrison-Johnson Co., Napoleon, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 6, 1912, from the State of Ohio into the State of Indiana, of a quantity of poultry feed which was misbranded. The product was labeled: (On tag) "\$50 fine for using this tag second time. No. 4132, 25 pounds. Harrison-Johnson Company of Toledo, Ohio, guarantees this Anchor Brand Scratch Feed to contain not less than 4.0 per cent of crude fat; 11.0 per cent of crude protein and to be compounded from the following ingredients: Wheat, Corn, Kaffir, Barley, Oats, Milo Maize, Buckwheat, Sunflower Seed and Linseed Meal. W. J. Jones, Jr., State Chemist, Purdue University Agricultural Experiment Station, Lafayette, Ind. Not good for more than 25 pounds."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	10.60
Ether extract (per cent).....	2.11
Protein (per cent).....	8.94
Crude fiber (per cent).....	1.58

Microscopical examination: The product consists of corn, wheat, buckwheat, sunflower seed, kaffir, oats, linseed cake, and grit about 9 per cent.

Misbranding of the product was alleged in the information for the reason that the label thereof bore the following statements concerning the ingredients thereof, to wit, "Harrison-Johnson Company of Toledo, Ohio, guarantees this Anchor Brand Scratch Feed to contain not less than 4.0 per cent of crude fat; 11.0 per cent of crude protein * * *", which said statement was false and misleading in that said article of poultry feed did not contain 4 per cent of fat and did not contain 11 per cent of protein, but did contain a less amount of fat, to wit, 2.11 per cent, and a less amount of protein, to wit, 8.94 per cent. Misbranding of the product was alleged for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that it contained the following proportions of fat and protein; to wit, 4 per cent and 11 per cent, respectively, whereas, in fact, it contained a less amount of said ingredients, to wit, 2.11 per cent of fat and 8.94 per cent of protein. Misbranding was alleged for the further reason that the label thereof purported and represented that said article was composed exclusively of the following edible ingredients, to wit, wheat, corn, kaffir, barley, oats, milo maize, buckwheat, sunflower seed, and linseed meal, whereas, in fact, the said article was not composed exclusively of the aforesaid edible ingredients, but was composed in part of a certain inedible ingredient, to wit, grit, in the amount of approximately 9 per cent.

On December 17, 1914, a plea of nolo contendere was entered on behalf of the defendant firm, and the court sentenced said firm to pay the costs of the proceeding.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3935. Adulteration and misbranding of "Malt and Hop Liquid Food." U. S. v. Schuster Brewing Co. Plea of guilty. Fine, \$30. (F. & D. No. 5536. I. S. Nos. 6715-e, 6716-e, 6717-e.)

On November 17, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district 3 informations against the Schuster Brewing Co., a corporation, Rochester, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 9, December 12, and December 27, 1912, from the State of Minnesota into the State of Missouri, of quantities of "Malt and Hop Liquid Food," so-called, which was adulterated and misbranded. The product was labeled: (On casks) "Malt Food—The contents of this container is 100 bottles of fermented Malt Liquor of 12 ounce capacity each. Schuster Brewing Co. Rochester, Minnesota, consignor." (On bottles) "(Trade Mark) S Schuster's Malt and Hop Liquid Food Serial No. 2288. Guaranteed by Schuster Brewing Co. Under the Food and Drugs Act, June 30th, 1906. Also the Food Laws of all States. Capacity 12 oz. 4% alcohol. Mfrd. only by Schuster Brewing Co., Rochester, Minn. \$1000 Bonafide Guarantee that there is no adulteration whatever in the production of this Malt and Hop Food and that it is a perfectly fermented malt liquor. 'Gives great strength to nursing mother and her baby'—'A boon to those of overworked brains, shattered nerves and no appetite. Gives sound and refreshing sleep.' None genuine without this signature Schuster Brewing Co. A Great Strength Giver—A Pure Liquid Food Contains No Drugs Whatever. None genuine without this signature Schuster Brewing Co."

Analyses of samples of the product upon which the 3 different informations were based, made by the Bureau of Chemistry of this department, showed the following results:

Alcohol (per cent by volume).....	4.80	4.69	4.60
Extract (per cent by weight).....	7.93	7.73	7.54
Extract in original wort (per cent by weight).....	15.66	15.23	15.20
Degree fermentation.....	49.04	49.25	48.42
Volatile acid, as acetic (grams per 100 cc).....	0.006	0.009	0.013
Total acid, as lactic (grams per 100 cc).....	0.176	0.189	0.189
Maltose (per cent).....	2.55	2.37	2.44
Dextrin (per cent).....	3.84	4.07	3.39
Ash (per cent).....	0.186	0.164	0.161
Proteid (per cent).....	0.43	0.384	0.381
P ₂ O ₅ (per cent).....	0.058	0.055	0.053
Polarization, undiluted (° V).....	+61.6	+61.6	+61.6
Color (degrees, 1-inch cell, Lovibond).....	14	14	14

Adulteration of the product was alleged in the informations for the reason that a substance, to wit, a product prepared from barley malt, hops, corn, and rice, had been substituted wholly or in part for a product prepared exclusively from barley malt and hops. Misbranding was alleged for the reason that the words "Malt and Hop Liquid Food," borne on the bottles containing the product, were false and misleading in that the article purported to be a product prepared wholly from barley and hops, when, in truth and in fact, it was not so prepared, but was prepared from a substitute for said barley and hops, to wit, a product prepared from barley malt, hops, corn, and rice. Misbranding was alleged for the further reason that the label on the bottles bore pictorial matter of barley and hops, which tended to mislead the purchaser into the belief that said product was made exclusively from barley and hops, whereas, in truth and in fact, said product was not so prepared, but was prepared from barley malt, hops, corn, and rice.

On November 17, 1914, the defendant company entered pleas of guilty to the 3 informations, and the court imposed a fine of \$30.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3936. Adulteration and misbranding of tincture of iodine. U. S. v. J. Walter McDonald. Plea of guilty. Fine, \$10. (F. & D. No. 5553. I. S. Nos. 595-e, 22234-d.)

On January 27, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against J. Walter McDonald, Washington, D. C., alleging the sale by said defendant on December 4, 1912, and June 18, 1912, in the District aforesaid, and in violation of the Food and Drugs Act, of quantities of tincture of iodine which was adulterated and misbranded.

Analysis of one of the samples of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	95
Iodin (grams per 100 cc).....	5.08
Potassium iodid (grams per 100 cc).....	3.03

Analysis of the second sample by the said bureau showed the following results:

Alcohol (per cent by volume).....	93.50
Iodin (grams per 100 cc).....	5.57
Potassium iodid (grams per 100 cc).....	6.84

Adulteration of the first sample was alleged in the information for the reason that the same was offered for sale and was sold under and by a name, to wit, "Tincture of Iodine," which said name was recognized in the United States Pharmacopœia official at the time of investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

It was alleged in the information that the second sample was misbranded and labeled so as to mislead and deceive the purchaser, in that the label on the bottle thereof bore the words and phrase, to wit, "Tinct. Iodine Poison! (Skull & Cross bones) Antidote Emetics, and follow with drinks of Flour or Starch in water. J. Walter McDonald, Pharmacist, 4-1/2 and L. Streets, S. W., Washington, D. C.", meaning and importing to the purchaser thereof that the product was a tincture of iodine conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not, but the same contained 93.5 per cent alcohol, and the bottle containing it failed to bear a statement on the label thereof of the quantity or proportion of said alcohol contained therein.

On January 27, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3937. Adulteration of canned pork and beans. U. S. v. 15 Cases of Canned Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5568. I. S. No. 2367-h. S. No. 2102.)

On February 1, 1914, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 2 dozen cans of pork and beans, remaining unsold in the original unbroken packages at Charlottesville, Va., alleging that the product had been shipped on November 29, 1913, and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Two dozen No. 3 Housekeeper Brand Pork and Beans Tomato Sauce. Packed at East Brooklyn Pres. Works, East Brooklyn, Md." The cans were labeled: "Housekeeper Pork and Beans, Tomato Sauce. Packed at East Brooklyn Preserving Works, East Brooklyn, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

On July 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3938. Adulteration of so-called lard substitute. U. S. v. 36 Tubs of Lard Substitute. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5577. I. S. No. 3372-h. S. No. 2110.)

On February 6, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 tubs of a product purporting to be lard and which in fact was a substitute for lard, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about January 17, 1914, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "The N K Fairbank Company—Fairbanks Brand—Trade mark (Boar's head) Compound—Composed of Cotton Seed Oil, Oleostearine and Stearine made from Cotton Seed Oil, Chicago—U. S. Inspected and passed under the act of congress of June 30, 1906—Establishment No. 301"

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 20, 1914, Edward L. Lewis, New York, N. Y., claimant, having by stipulation consented to a decree, which said stipulation contained, among other things, a provision that the product should be branded so as plainly to indicate that it was not to be used for human food, by placing upon the containers thereof the following, "Damaged by fire and water" or "Unfit for Human Food," judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions of said bond being that the product should be denatured and rendered unfit for food and should be marked in such manner as plainly to indicate that it was not fit for food and fit only for technical purposes.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3939. Adulteration and misbranding of so-called strawberry punch, grape punch, raspberry punch, and cherry punch. U. S. v. 15 Gallons of Strawberry Punch, 15 Gallons of Grape Punch, 15 Gallons of Raspberry Punch, and 15 Gallons of Cherry Punch. Tried to the court and a jury. Verdicts for the Government. Product ordered destroyed by the court. (F. & D. No. 5589. I. S. Nos. 2391-h, 2392-h, 2393-h, 2394-h. S. No. 2114.)

On February 14, 1914, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 one-gallon jugs of strawberry punch, 15 one-gallon jugs of grape punch, 15 one-gallon jugs of raspberry punch, and 15 one-gallon jugs of cherry punch, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the products had been shipped in June, 1913, and transported from the State of Virginia into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The strawberry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Strawberry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The grape punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Grape Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The raspberry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Raspberry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act, June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The cherry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Cherry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429."

It was alleged in the libels that the products were adulterated and misbranded in violation of the act of Congress of June 30, 1906, in that they were labeled to be natural fruit sirups, when they consisted of imitation fruit sirups which had been artificially flavored and artificially colored to conceal inferiority and which had been substituted in whole or in part for true fruit sirups in such a manner as to reduce or lower or injuriously affect the purity or strength; and said products were further misbranded in that they were labeled as "Strawberry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," "Grape Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," "Raspberry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," and "Cherry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," respectively, when in fact the products consisted of imitation sirups which had been artificially colored and flavored in such a manner as to conceal the inferiority of the products.

On November 13, 1914, the case having come on for hearing before the court and a jury, after the submission of the evidence, the jury, at the direction of the court, returned verdicts in favor of the Government, finding the products adulterated and misbranded. It was thereupon ordered by the court that the products should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3940. Adulteration and misbranding of so-called butter. U. S. v. Bert H. Brockway. Plea of guilty. Fine, \$25. (F. & D. No. 5604. I. S. Nos. 556-h, 4714-h.)

At the January, 1915, term of the Police Court for the District of Columbia, the United States attorney for the aforesaid District, acting upon a report by the Secretary of Agriculture, filed in said court an information against Bert H. Brockway, Washington, D. C., alleging the sale by said defendant, on July 7 and 10, 1913, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of so-called butter which was adulterated and misbranded.

Analyses of samples of the product by the Bureau of Chemistry of this department showed the following results:

Sample 1:

Melting test: Turbid.
Foam test: No foam.
Refraction at 40° C..... 50.2

Sample 2:

Foam test: No foam; partial separation of fat.
Refraction at 40° C..... 50.50

These results show the samples to be oleomargarine and not butter.

Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and sold under the distinctive name of another article of food.

On January 30, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3941. Adulteration of canned pork and beans. U. S. v. 75 Cases of Canned Pork and Beans
* * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No.
5616. I. S. No. 8025-h. S. No. E-3.)

On March 10, 1914, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing 6 dozen cans, of an article of food purporting to be canned pork and beans, remaining unsold in the original unbroken packages at Charlotte, N. C., alleging that the product had been shipped on or about December 26, 1913, and transported from the State of Indiana into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "May Day Pork and Beans with Tomato Sauce, Greenwood Packing Co., Greenwood, Ind. Contents 10 oz. * * *." The cans were labeled: "May Day Pork and Beans with Tomato Sauce, Greenwood Packing Co., Greenwood, Ind. Contents 10 oz."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, putrid, and decomposed vegetable matter, to wit, beans of doubtful quality about 46 per cent, and musty, moldy beans about 53 per cent, a partially decomposed vegetable product treated in such manner as to conceal inferiority, and which rendered such canned pork and beans unpalatable and unfit for food.

On October 8, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3942. Adulteration and misbranding of eggs. U. S. v. Cudahy Packing Co. Plea of guilty. Fine, \$400 and costs. (F. & D. No. 5618. I. S. No. 6701-e.)

On October 31, 1914, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 2 counts against the Cudahy Packing Co., a corporation organized under the laws of the State of Illinois, with principal offices at Chicago, Ill., and doing business in Kansas, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 25, 1913, from the State of Kansas into the State of Missouri, of a quantity of eggs which were adulterated and misbranded. The product was labeled: (On one end of cases) "Meadow Grove April Extra." "J 1st" (On other end) "Meadow Grove April Extra." (With blurred stamp) "Spots." (On top, in blue pencil) "No. 2."

An examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Number of eggs examined.....	72
Absolutely rotten, consisting of yellow or brown mass.....	52
Black "rots".....	9
Blue mold.....	2
Spots and stale eggs, yolks breaking.....	8
Spot egg, fairly firm.....	1

Not an egg examined was fit for food. Odor of most of samples very offensive. Appeared worse than usual candled out "Rots." Product consists of rotten, moldy, and spot eggs, which constitute filthy, decomposed, or putrid animal matter.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, that is to say, the cases, when shipped and delivered for shipment, contained a large number of rotten eggs, moldy eggs, spot eggs, and eggs affected by black rot. Misbranding was alleged for the reason that the statement "Meadow Grove April Extra No. 2", borne on the package, was false and misleading, because it was calculated to mislead and deceive the purchaser into the belief that the eggs were of extra quality and were suitable for human food, whereas, in truth and in fact, the eggs were not of extra quality and were unfit for human consumption.

On January 11, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200 on each count of the information, making a total fine of \$400, and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3943. Adulteration and misbranding of so-called butter. U. S. v. J. H. DeAtley. Plea of guilty. Fine, \$10. (F. & D. No. 5620. I. S. No. 11022-e.)

On January 19, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against J. H. DeAtley, Washington, D. C., alleging the sale by said defendant on June 27, 1913, at the District aforesaid and in violation of the Food and Drugs Act, of a quantity of so-called butter which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Melting test: Turbid.

Foam test: No foam.

Refraction at 40° C 48.5

Cottonseed oil: Present.

Reichert-Meissl No. 0.16

These results prove the product to be oleomargarine.

Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for butter, in whole and in part. Misbranding was alleged for the reason that the article was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On January 19, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3944. Adulteration of coffee. U. S. v. 10 Sacks of Roasted Coffee * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5627. I. S. No. 8021-h. S. No. E-8.)

On March 13, 1914, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 sacks, each of which purported to contain 50 pounds of roasted coffee, remaining unsold in the original unbroken packages at Winston-Salem, N. C., alleging that the product had been shipped on or about February 2, 1914, and transported from the State of New York into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "XXX-Taylor Gro. Co., Winston-Salem, N. C." "Roasted Coffee—Coated with Dextrin."

It was alleged in the libel that the sacks contained roasted coffee containing quakers or light beans and black beans and treated in such manner as to conceal inferiority, and which rendered such roasted coffee unfit for food and which was adulterated thereby.

On December 11, 1914, the Brazil Syndicate R. & B. Co., Inc., New York, N. Y., claimant, having admitted the allegations in the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be restored to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3945. Adulteration of so-called cottonseed meal. U. S. v. J. Lindsay Wells (J. Lindsay Wells Commission Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5637. I. S. No. 27822-c.)

On August 17, 1914, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Lindsay Wells, trading under the firm name and style of J. Lindsay Wells Commission Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 4, 1913, from the State of Tennessee into the State of Indiana, of a quantity of so-called Sun Brand cottonseed meal, guaranteed to contain 41 to 45 per cent protein, which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	9.37
Ether extract (per cent).....	3.85
Protein (per cent).....	22.82
Crude fiber (per cent).....	25.46
Cottonseed hulls, by Fraps' method (per cent).....	43.93

Adulteration of the product was alleged in the information for the reason that it was invoiced and sold and represented to be a cottonseed meal, and a substance other than cottonseed meal, that is to say, a large quantity of cottonseed hulls, to wit, 43.93 per cent, had been mixed and packed with said article in such a manner as to reduce and lower and injuriously affect its quality and strength, and for the further reason that said article was invoiced, sold, and represented to be cottonseed meal, and a substance other than cottonseed meal, namely, cottonseed hulls, in the proportion of, to wit, 43.93 per cent had been substituted in part for the article.

On February 1, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3946. Adulteration and misbranding of tomato paste. U. S. v. J. Frank Lednum. Plea of guilty. Fine, \$10. (F. & D. No. 5651. I. S. No. 4315-e.)

On August 14, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Frank Lednum, Preston, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 5, 1912, from the State of Maryland into the State of New York, of a quantity of tomato paste which was adulterated and misbranded. The product was labeled: (On cans) "Conserva Di Pomodoro Maryland Brand Rossa Pure Tomato Paste (Directions in Italian) Directions: For one pound of macaroni use one teaspoonful dissolved in water. Add the same quantity for each pound of macaroni. The same is used for Roast Meats, Stews, etc., etc. It flavors the meat and gives it a nice coloring. J. Frank Lednum, Preston, Md." (Coat of arms.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that starch, flour, or some similar starchy material had been added to the same.

Adulteration of the product was alleged in the information for the reason that a substance, namely, starch, flour, or some similar starchy material, had been substituted in part for the article. Misbranding was alleged for the reason that the statements "Conserva Di Pomodoro" and "Pure Tomato Paste," borne on the labels attached to the cans in which the article was shipped and delivered for shipment, were false and misleading, because they falsely represented the article to be pure tomato paste, when, as a matter of fact, it was not a pure tomato paste, but was a mixture of tomato paste and starch, flour, or some similar starchy material. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was pure tomato paste, being labeled "Conserva Di Pomodoro" and "Pure Tomato Paste," whereas, in truth and fact, it was not pure tomato paste, but was a mixture of tomato paste and starch, flour, or some similar starchy material.

On October 5, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3947. Misbranding of canned tomatoes. U. S. v. 15 Cases of Tomatoes. Default decree of condemnation and forfeiture. Product ordered to be destroyed. (F. & D. No. 5690. I. S. No. 7375-h. S. No. C-27.)

On April 16, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of tomatoes, one of which contained 48 cans of tomatoes, and the balance of said cases each contained 24 cans of tomatoes, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped on November 12, 1913, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act.

The cans were labeled: "Peeled Tomatoes. Cipolla Brand (A vignette) Packed in Sanitary Cans. No Acid or Solder used. Pomidori Pelati. This product contains absolutely no preservatives of any kind. * * * VPCO trade mark. The Italian Importing Co., New York, Sole Distributors". In addition, each of the labels bore pictorial representations of a foreign scene, together with a lithographic representation of a variety of tomatoes grown in Italy; upon the top of each can was impressed the word "Vesuvian".

It was alleged in the libel that the cans, by the label thereof, were labeled and printed so as to mislead and deceive the purchaser thereof, the construction of the label on each of the cans containing the product being such as to convey the impression that the article was of foreign origin, when, in fact, it was packed in the State of New Jersey, said labeling, as aforesaid, constituting a violation within the meaning of the act of June 30, 1906.

On February 1, 1915, default having been taken for want of an answer or other pleading, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*

3948. Adulteration of catsup. U. S. v. 34 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5694. I. S. No. 9315-h. S. No. W-6.)

On April 23, 1914, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 cases, each containing one dozen packages of catsup, remaining unsold in the original unbroken packages, at El Paso, Tex., alleging that the product had been shipped on November 29, 1913, and transported from the State of Colorado into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The shipping crates were labeled: "K One Dozen No. 10 Kuner's Tomato Catsup The Kuner Pickle Co., Denver, Colo." "Net Weight." The retail packages were labeled: "Eagle Brand Tomato Ketchup—Made from pieces, trimmings and small tomatoes—Preserved with 1/10 of 1 per cent benzoate of soda—K—The Kuner Pickle Co., Denver, K." On side label: "Average net weight of contents 6 lbs. 4 oz."

Adulteration of the product was alleged in the libel for the reason that it was of a deleterious character,¹ that is to say, it contained bacteria, to wit, 250,000,000 bacteria per cubic centimeter [contents] of catsup, and contained 48 yeasts and spores per one-sixtieth cubic millimeter [contents] of catsup, and contained mold filaments in 67 per cent of [contents] [microscopic fields (?)] of catsup. Adulteration was alleged for the further reason that the product was of a deleterious character¹ in that the contents had a presence of black rot, and the cells were of a badly decayed nature, and, further, that said contents consisted, in whole or in part, of a filthy, decomposed and putrified [putrid] vegetable substance.

On October 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed as a deleterious food substance, under the provisions of section 10 of the Food and Drugs Act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

¹ The investigation by this department, upon which the recommendation for the seizure of the article was based, did not show that the article "was of a deleterious character."

3949. Misbranding of cottonseed meal. U. S. v. W. Newton Smith. Plea of guilty. Fine, \$1.
(F. & D. No. 5699. I. S. No. 27830-e.)

On August 14, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. Newton Smith, Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 22, 1913, from the State of Maryland into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The product was labeled: (On tag) "\$50 fine for using this tag second time.—No. 4861—100 lbs. W. Newton Smith of Baltimore, Md., guarantees this Dirige Brand Cottonseed Meal to contain not less than 7.0% of crude fat, 41.0% of crude protein, and to be compounded from the following ingredients: Decorticated Cottonseed. W. J. Jones, Jr., State Chemist, Purdue University Agricultural Experiment Station, Lafayette, Ind.,—Not good for more than 100 lbs."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	8.88
Ether extract (per cent).....	8.33
Protein (per cent).....	37.31

Misbranding of the product was alleged in the information for the reason that the statement "not less than * * * 41.0 per cent of crude protein," borne on the tag attached to the bags in which the article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, the article did not contain 41 per cent of crude protein, as represented by said tag, but contained a less amount of crude protein, to wit, 37.31 per cent.

On September 29, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.

3950. Adulteration and misbranding of vinegar. U. S. v. 35 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5721. I. S. No. 7420-h. S. No. C-32.)

On May 12, 1914, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 barrels purporting and representing to contain apple vinegar, remaining unsold in the original unbroken packages at Marshalltown, Iowa, alleging that the product had been shipped and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Crystal Brand Apple Vinegar, reduced with water, Marshalltown, Iowa." (On other end) "Guaranteed by the Avis Cider & Vinegar Company, under the Food and Drugs Act, June 30, 1906, United States Serial No. 38632."

It was alleged in the libel that the article was misbranded by brands appearing thereon upon the outside of the original barrels in violation of the act of Congress above stated, for the reason that said barrels or any of them did not contain apple vinegar and [the contents] were not the product of apples as the label would indicate, but, in truth and in fact, [the barrels] contained wholly or in part a mixture of distilled vinegar or diluted acetic acid which had been added to and substituted in part for apple vinegar, in such a manner as to reduce and lower and injuriously affect its quality and strength, the same being prepared in imitation of vinegar, and the same had been packed in imitation of vinegar, rendering the same adulterated, in violation of section 7 of the Food and Drugs Act of June 30, 1906, and that within said mixture were certain substances substituted for cider-vinegar product whereby the same was misbranded in violation of section 8 of the said act; that the labeling of said barrels as containing pure apple vinegar was false and misleading, and was such as to mislead purchasers, and was such as to enable the offering of the contents for sale as being apple vinegar, when, in truth and in fact, the same was not such as was offered for sale, and was unlawful misbranding within the meaning of the statute aforesaid, and also an unlawful adulteration and mixture of said product.

On December 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 1, 1915.

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U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.
SUPPLEMENT.

N. J. 3951-4000.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3951. Misbranding of vinegar. U. S. v. 65 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5722. I. S. No. 4091-h. S. No. C-35.)

On May 14, 1914, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 barrels, purporting and representing to contain pure cider vinegar, remaining unsold in the original, unbroken packages, at Dubuque, Iowa, alleging that the product had been shipped on or about April 10, 1914, and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Jno. T. Hancock Co., Distributors Faultless Brand Apple Cider Vinegar, reduced with water to legal strength Dubuque, Iowa."

Misbranding of the product was alleged in the libel for the reason that the barrels did not contain pure cider vinegar as they purported to contain and [as] the branding and labeling of the barrels, [as] representing that the said barrels contained pure cider vinegar, was misleading and false so as to deceive and mislead the purchaser, and each of the barrels bore a statement regarding the ingredients or substances contained therein, which statement was false and misleading, and the barrels did not contain pure cider vinegar but [the article] consisted, wholly or in part, of distilled vinegar or dilute acetic acid which had been mixed and prepared in imitation of cider vinegar, and each of the barrels contained an article of food that contained deleterious ingredients.


On January 19, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 1, 1915.

3952. Adulteration and misbranding of alleged Bogota coffee. U. S. v. * * * 84 Bags of Alleged Bogota Coffee. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5753. I. S. No. 9453-h. S. No. E-52.)

On or about June 8, 1914, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 84 bags of alleged Bogota coffee, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the product had been shipped on or about June 4, 1914, and was in process of interstate transportation from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the

Food and Drugs Act. The product was labeled: “ BOGOTA.”

Adulteration of the product was alleged in the libel for the reason that another substance, to wit, washed Caracas green coffee, had been substituted wholly in said bags for Bogota coffee. Misbranding was alleged for the reason that each and every bag containing the product bore a false and misleading statement in regard to the contents, the said coffee being labeled and branded in a manner to deceive and mislead all purchasers and the public generally, for the reason that each of said bags was labeled “P A L Bogota,” whereas, in truth and in fact, it was not Bogota coffee, but instead was washed Caracas green coffee. Misbranding was alleged for the further reason that each of the bags containing the product was labeled and branded so as to deceive and mislead all purchasers and the public generally, for the reason that the contents of the bags as originally put up had been removed in whole and other contents, to wit, washed Caracas green coffee, had been placed in each and every [one (?)] of said bags. Misbranding was alleged for the further reason that the product was an imitation of Bogota coffee and that each and every bag contained washed Caracas green coffee under the distinctive name of another article, to wit, “P A L Bogota” coffee.

On June 30, 1914, William L. Mitchell and George H. B. Mitchell, composing the firm of Mitchell Bros., New York, N. Y., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimants upon the payment of the costs of the proceedings and the execution of bond in the sum of \$2,000, in conformity with section 10 of the act.

Thereafter at the August, 1914, term of the United States District Court for the Southern District of New York, the grand jurors of the United States of America within and for the said district, returned an indictment against Peter J. Shannon and the said William L. Mitchell for conspiracy to violate the Food and Drugs Act, based on the shipment set forth above, and on October 22, 1914, the case having come on for trial before the court and a jury, the defendants were convicted of the charges in the indictment and were sentenced by the court to pay a fine of \$3,000 each. The defendant Shannon paid his fine and the defendant Mitchell prosecuted a writ of error to the United States Circuit Court of Appeals for the Second Circuit, where the case is pending.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 1, 1915.

3953. Adulteration of raisins. U. S. v. 50 Boxes of Raisins, more or less. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5755. I. S. No. 1495-h. S. No. E-56.)

On June 11, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 boxes of raisins, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Recleaned California Thompson's Seedless Raisins, packed by Bonner Packing Company, San Francisco, Cal."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy vegetable substance, to wit, raisins covered with excreta.

On July 9, 1914, Wood and Selick, New York, N. Y., claimant, having filed its answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions of said bond being that none of the raisins should be sold or disposed of by the claimant until after they should have been carefully cleaned and those raisins which were adulterated should have been separated from those which were not adulterated and not until samples of the raisins which were deemed fit for human food should have been submitted to the Bureau of Chemistry of the United States Department of Agriculture for examination and until said Bureau of Chemistry should have approved the use of said raisins for food purposes, after which approval said raisins so approved might be sold or disposed of by said claimant for human consumption, while those raisins which were deemed unfit for human consumption should be destroyed by said claimant. On February 20, 1915, the product having been examined under the supervision of this department after the same had been cleaned by the claimant, and having been found unsalable and unfit for human consumption, and the claimant company having stated that it was not its desire to take any further action looking to recleaning the raisins, an order was entered directing the United States marshal to destroy the same.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*

3954. Adulteration of beans. U. S. v. 125 Bags of Beans * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5760. I. S. No. 22427-h. S. No. E-59.)

On June 19, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 bags of beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped by the Reliance Milling Co., Vassar, Mich., and transported from the State of Michigan into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "For ——— Order Reliance Milling Company, Notify same, Baltimore, Md. From Reliance Milling Company, Merchant Millers, Dealers in Flour, Grain, Feed, Beans, Seeds and Hay, Vassar, Michigan."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy and decomposed vegetable substance, to wit, decomposed beans.

On July 16, 1914, the said Reliance Milling Co., Vassar, Mich., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the product should not be disposed of for human consumption or sold or used for stock food.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*

3955. Adulteration and misbranding of so-called sciroppo tamarindo [sirup of tamarind].

U. S. v. Frank Morelli and Tomaso Bruni. Plea of guilty. Fine, \$50. (F. & D. No. 5771. I. S. No. 37164-e.)

On January 25, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Morelli and Tomaso Bruni, copartners, trading under the firm name and style of Bruni & Morelli, alleging shipment by said defendants, in violation of the Food and Drugs Act, on June 3, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called "Sciroppo Tamarindo" which was adulterated and misbranded. The product was labeled: (Neck label) "Dia" (Main label) "Sciroppo Tamarindo" (Picture of woman) "Dia This Product Is Guaranteed Under The National Pure Food Law Under Serial Number 6087. Especially Prepared For Italo American Liquor Mfg. Co. New York, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by refractometer (per cent by weight).....	67. 10
Nonsugar solids (per cent by weight).....	2. 59
Sucrose by reduction (per cent by weight).....	2. 39
Reducing sugars as invert before inversion (per cent by weight).....	62. 12
Commercial glucose.....	None.
Polarization, direct, at 20° C. (°V.).....	-17. 2
Polarization, invert, at 20° C. (°V.).....	-18. 0
Polarization, invert, at 87° C. (°V.).....	+ 0. 2
Ash (per cent).....	0. 95
Acids (cc N/10 alkali per 100 grams).....	250. 0
Reducing sugars as invert after inversion (per cent).....	64. 64
Test for coal tar color: Negative.	
Phosphoric acid as P ₂ O ₅ (per cent).....	0. 004
Tartaric acid: None.	
Citric acid (per cent).....	1. 71
Malic acid: None.	

Tests for salicylic and benzoic acids and saccharin: Negative.

This product consists largely of sugar sirup and citric acid colored in imitation of true tamarind sirup.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a solution consisting largely of sugar sirup and citric acid, colored in a manner whereby its inferiority was concealed, had been substituted wholly or in part for the genuine tamarind sirup, which the article purported to be; and for the further reason that said article was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Sciroppo Tamarindo—Dia," appearing on the label regarding the article and the ingredients and substances therein contained, was false and misleading, in that it indicated that said article was a genuine sirup of tamarind, whereas in truth and in fact, it was not a genuine sirup of tamarind, but was a solution consisting largely of sugar sirup and citric acid, colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Sciroppo Tamarindo—Dia," thereby indicating that said article was a genuine sirup of tamarind, whereas, in truth and in fact, it was not a genuine sirup of tamarind, but was a solution consisting largely of sugar sirup and citric acid, colored in a manner whereby its inferiority was concealed.

On February 11, 1915, defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 upon each defendant, making an aggregate fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 1, 1915.

3956. Adulteration and misbranding of fernet milano, and misbranding of vermouth mariano. U. S. v. Youngstown Macaroni Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5778. I. S. Nos. 8811-e, 8812-e.)

On January 5, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Youngstown Macaroni Co., a corporation, Youngstown, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about October 1, 1912, from the State of Ohio into the State of New York, of a quantity of fernet milano, which was adulterated and misbranded, and of a quantity of vermouth mariano, which was misbranded. The fernet milano was labeled: "Fernet Milano Superior Quality Fernet Milano Liquore Amaro Igienico Questo liquore prodotto dalla distillazione di erbe e radici aromatiche vien raccomandato per facilitare la digestione. * * * Fernet Milano Guaranteed under the Food and Drugs Act." (The words "Fernet Milano" appear in script across the label.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the same to contain 28.55 per cent by volume of absolute alcohol, the presence or proportion of which was not declared on the label, and that the article was of the same general character as genuine imported fernet milano, and bore the name of the product and other reading matter in the Italian language, whereas it did not correspond in composition to the genuine imported fernet milano.

Adulteration of the article was alleged in the information for the reason that an article other than fernet milano, manufactured in the State of Ohio, in the United States of America, and labeled "Fernet Milano," had been substituted wholly for genuine fernet milano, which the article purported to be. Misbranding of this product was alleged for the reason that it was an imitation of and offered for sale under the name of another article, to wit, fernet milano, a well known article of foreign origin, whereas, in truth and in fact, it was not a genuine fernet milano, but was an imitation thereof, and was further misbranded in that the label on the package thereof failed to bear a statement of the quantity or proportion of alcohol contained therein, whereas, in truth and in fact, it contained alcohol to the extent of 28.55 per cent by volume. Misbranding was alleged for the further reason that the statements, to wit, "Fernet Milano" and "Liquore Amaro Igienico," and other statements in the Italian language, together with a device similar to the Italian coat of arms, borne on the label thereof, purported and represented said article to be of foreign origin, to wit, an article produced in the kingdom of Italy, whereas, in truth and in fact, said article was not of foreign origin produced in the kingdom of Italy, but was of domestic manufacture, produced in the State of Ohio, United States of America. Misbranding was alleged for the further reason that the article was labeled and branded "Fernet Milano" and "Liquore Amaro Igienico" and other statements in the Italian language, together with a device similar to the Italian coat of arms, which said statements and pictorial device were calculated to deceive and mislead the purchaser into the belief that said article was of foreign origin, to wit, an article produced in the kingdom of Italy, whereas, in truth and in fact, said article was not of foreign origin, produced in the kingdom of Italy, but was of domestic manufacture, produced in the State of Ohio, United States of America.

The vermouth mariano was labeled: (On neck) "Vermouth Mariano" (Another label) "Extra" (Another label) "Lofaro & Rossi, Sole Distributors for United States, Utica, N. Y." (Main label) "Superfine Vermouth Mariano Brand" (With foreign label appearance and design). (Shipping case) "This case contains 12 bottles, Lofaro & Rossi, Utica, N. Y. Glass, Fragile. Keep this side up. Handle with care. Vermouth."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed as grams per 100 cc, unless otherwise noted:

Alcohol (per cent by volume).....	12.02
Glycerol.....	0.19
Solids.....	20.77
Nonsugar solids.....	0.57
Reducing sugars, direct.....	19.91
Reducing sugars, invert.....	20.20
Ash.....	0.08
Alkalinity of soluble ash (cc N/10 HCl per 100 cc).....	7.00
Tartaric acid.....	0.24

These results indicate that the article contains much less wine than the Italian product of the same name.

Misbranding of the product was alleged in the information for the reason that the statements, to wit, "Vermouth Mariano" and "Superfine Vermouth Mariano Brand," together with the pictorial designs and devices borne on the labels thereof, and, furthermore, the style of package made to resemble the containers as used by the Italian manufacturers of the genuine product, purported and represented said article to be a foreign product, to wit, a vermouth made in the kingdom of Italy, whereas, in truth and in fact, said article was not a foreign product, to wit, a vermouth made in the kingdom of Italy, but was a domestic product, to wit, an alleged vermouth made in the State of Ohio, United States of America. Misbranding was alleged for the further reason that the article was labeled and branded "Vermouth Mariano" and "Superfine Vermouth Mariano Brand," which said statements, together with certain pictorial designs and devices, borne on the labels thereof, and the style and appearance of the package as aforesaid, were calculated to deceive and mislead the purchaser into the belief that said article was a foreign product, to wit, a vermouth made in the kingdom of Italy, whereas, in truth and in fact, it was not a foreign product, to wit, a vermouth made in the kingdom of Italy, but was a domestic product, to wit, an alleged vermouth made in the State of Ohio, United States of America.

On March 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*

3957. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of Gelatin. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5790. I. S. No. 651-h. S. No. W-10.)

On July 3, 1914, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel purporting to contain 241 pounds of gelatin, remaining unsold in the original package at Salt Lake City, Utah, alleging that the product had been shipped on or about June 1, 1914, and transported from the State of Illinois into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works, Chicago."

It was alleged in the libel that the product was misbranded and adulterated within the meaning of the Food and Drugs Act for the following reason, that is to say: (a) That the contents of said barrel were in fact an imitation of gelatin, and that other and foreign substances, to wit, arsenic, zinc, sugar, ash, and sodium bicarbonate, had been mixed and packed with and substituted for gelatin in such a manner as to reduce and lower the quality and strength thereof; but that said label failed to disclose that the contents of the barrel were an imitation of gelatin and that said barrel and its contents were offered for sale and sold under the distinctive name of gelatin. (b) That said barrel was falsely labeled and branded as aforesaid, in such manner as to mislead and deceive the purchaser thereof, for the reason that it was represented by said label, hereinbefore quoted, that the contents of the barrel were gelatin, whereas, in truth and in fact, the contents of the barrel consisted in part of an imitation of gelatin, and that said false label and brand were such as to mislead and deceive the purchaser into the belief that said barrel contained gelatin. (c) That said barrel, so labeled and branded as aforesaid, was actually represented to be and was shipped in interstate commerce as gelatin, whereas, in truth and in fact, the same was an imitation of gelatin. (d) That the contents of the barrel were adulterated within the meaning of said law, in that the product was an article of food which contained added poisonous and deleterious ingredients which might render such article injurious to health, to wit, arsenic, zinc, and copper in excessive quantities.

On February 1, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, it being found by the court that the article was misbranded and adulterated and was unfit by reason of being adulterated as aforesaid, by the addition thereto of certain deleterious and poisonous substances, for human consumption, but which, nevertheless, had a value in certain arts. It was therefore ordered that the barrel be so labeled and branded as correctly to designate the contents thereof, and should be sold by the United States marshal at public auction, it being provided that the notice of sale should designate the property as gelatin adulterated by the addition of deleterious and poisonous substances and unfit for human consumption as food.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*

3958. Misbranding of dairy feed. U. S. v. Montgomery W. Voorheis (The Laclede Mills). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 5817. I. S. No. 27828-e.)

On December 5, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Montgomery W. Voorheis, trading under the name of The Laclede Mills, Mattoon, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 3, 1912, from the State of Illinois into the State of Indiana, of a quantity of dairy feed which was misbranded. The product was labeled: (On bag) "100 lbs. Alta Brand Dairy Feed Average Analysis:—Protein 20% ; Fat 4% ; Carbohydrates 54% ; Fibre 12% ; Manufactured by Laclede Mills St. Louis, Mo. Mattoon Plant." (On tag) "100 Lbs. Alta Dairy Feed manufactured by Laclede Mills, St. Louis, Mo. Average analysis: Protein 20%, Fat 4%, Carbohydrates 54%, Fiber 12%.—Composed of ground wheat, ground corn, ground oats, ground barley, brewer's dried grains, alfalfa meal, cottonseed meal, salt, molasses and ground grain screenings, from wheat, corn, oats, barley and flax." (On other tag) "\$50 fine for using this tag second time No. 4578—100 lbs. Laclede Mills of St. Louis, Mo. guarantees this Alta Dairy Feed to contain not less than 4.0% of crude fat, 20.0% of crude protein and to be compounded from the following ingredients: corn, oats, barley, cottonseed meal, alfalfa meal, brewer's grains, screenings from wheat, corn, oats, barley, and flax, salt and molasses. W. J. Jones, Jr. State Chemist. Purdue University Agricultural Experiment Station, Lafayette, Ind., Not good for more than 100 lbs."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ether extract (crude fat) (per cent).....	1.90
Protein (crude protein) (per cent).....	13.81

Misbranding of the product was alleged in the information for the reason that the statement, to wit, "not less than 4% of crude fat, 20% of crude protein," borne on the label thereof, was false and misleading in that it purported and represented that the article contained not less than 4 per centum of crude fat and 20 per centum of crude protein, whereas, in truth and in fact, the article contained a less quantity of crude fat and crude protein, to wit, crude fat 1.90 per centum and crude protein 13.81 per centum; further, for the reason that the article was labeled and branded "to contain not less than 4% of crude fat, 20% of crude protein," so as to deceive and mislead the purchaser into the belief that the article contained not less than 4 per centum of crude fat and 20 per centum of crude protein, whereas, in truth and in fact, it contained a less quantity of crude fat and crude protein, to wit, crude fat 1.90 per centum and crude protein 13.81 per centum.

On March 10, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3959. Misbranding of "White Stone Lithia Water." U. S. v. 12 Carboys of "White Stone Lithia Water." Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5841. I. S. No. 8695-h. S. No. E-77.)

On August 6, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 carboys, each containing 5 gallons of "White Stone Lithia Water," remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped on or about May 13, 1914, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "White Stone Lithia Water The only Lithia Springs on the Continent with Natural Pressure. Cures all Liver, Kidney, and Bladder Troubles, Rheumatism, Gout, and all Blood Diseases. Bottled at Springs by White Stone Lithia Water Co., White Stone Springs, S. C., White Stone Lithia Water Will Cure Any Case of Indigestion in Ten Minutes."

Misbranding of the product was alleged in the libel for the reason that the same was not a lithia water as stated upon said brands and labels, and said water contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed by the statements appearing upon said labels, to wit, "Cures all Liver, Kidney, and Bladder Troubles, Rheumatism, Gout, and all Blood Diseases," and "White Stone Lithia Water Will Cure Any Case of Indigestion in Ten Minutes."

On March 5, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, "in terms of law."

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*

3960. Adulteration of dried apples and dried huckleberries. U.S. * * * v. 11 Barrels * * * of Dried Apples and 1 Barrel * * * of Dried Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5842. I. S. Nos. 25932-h, 25933-h, 25934-h. S. No. E-86.)

On August 7, 1914, the United States attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 11 barrels, more or less, of dried apples, and 1 barrel, more or less, of dried huckleberries, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product was being offered for sale in the District of Columbia and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the articles were adulterated in that the same consisted, in whole or in part, of filthy, putrid, and decomposed [animal and] vegetable substances.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3961. Misbranding of "Kalamazoo Celery and Sarsaparilla Compound," and "Quality Damiana Compound." U. S. v. The Quality Drug Stores Co. Plea of guilty. Fine, \$100. (F. & D. No. 5856. I. S. Nos. 9595-e, 9597-e.)

On December 17, 1914, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Quality Drug Stores Co., a corporation, Kalamazoo, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 28, 1913, from the State of Michigan into the State of Tennessee, of quantities of so-called "Kalamazoo Celery and Sarsaparilla Compound" and "Quality Damiana Compound," which were misbranded. The first-named product was labeled: (On carton) "Kalamazoo Celery and Sarsaparilla Compound, Alcohol 8% Made in Kalamazoo In addition to Celery Seed from Which the Medicinal Qualities of Celery are Obtained, this Preparation Contains Sarsaparilla, Cascara Sagrada, Buckthorn, Stillingia, Black Haw, Senna, Burdock, Catnip, Gentian, Iodide of Potassium, etc., No. 1267. Guaranteed by the P. L. Abbey Co. under the Food and Drugs Act, June 30, 1906. Price \$1.00 Manufactured by The P. L. Abbey Co. Kalamazoo, Mich." "The Land of Celery" "Kalamazoo Celery and Sarsaparilla Compound" "Kalamazoo Celery and Sarsaparilla Compound Purifies the Blood, Quiets the Nerves, Regulates the Liver, Renovates the Kidneys, and relieves Stomach Disorders and Nervous Diseases. Date of Sale * * * Guarantee. The bearer of this carton is entitled to return to this store within 15 days from date the within bottle of Kalamazoo Celery and Sarsaparilla Compound, if medicine is not over two-thirds used and purchaser says he or she has received no benefit, we will return to the purchaser the amount paid for it. * * * Druggist. Customer fills out blank space below to secure return of money: I used Kalamazoo Celery and Sarsaparilla Compound in accordance with directions for * * * I received no benefit whatever from its use; it was in no way satisfactory to me. Signature * * * Postoffice * * * Date returned * * * It is not expected that Kalamazoo Celery and Sarsaparilla Compound will cure old and deep seated diseases of long standing in 15 days, but we think customer will be able to see some improvement in that time, and in case he does, the supposition is that medicine is satisfactory. It has been proven that Kalamazoo Celery and Sarsaparilla Compound is one of the best general remedies on the market, and for that reason we issue this guarantee, believing the public will use us fair as we are trying to use them. Kalamazoo Celery and Sarsaparilla Compound." (On bottle) "Kalamazoo Celery and Sarsaparilla Compound Cures Biliousness, Constipation, Indigestion, Dyspepsia, Fever and Ague, Rheumatism, Kidney and Liver Complaints, Blood Disorders, Diseases of the Urinary Organs, and all forms of Nervousness, Headache and Neuralgia. Also positive cure for Female Complaints and Diseases arising from an impure state of the Blood. It is a valuable Tonic, reviving the energies and faculties, which makes it one of the best medicines for aged people. Directions For adults, from one to two teaspoonfuls four times a day, before meals and at bedtime. Children in proportion. In severe cases of Neuralgia and Rheumatism, increase the dose; and in obstinate cases of diseases complicated with scrofula, add $\frac{1}{2}$ ounce of Iodide of Potassium to each bottle. Shake Bottle Before Using. Price, 50 Cents. The P. L. Abbey Co. Kalamazoo, Mich."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Alcohol, trace; potassium iodid, absent; sodium salicylate, present; glycerin, indicated; gentian, indicated; wild cherry, indicated; cascara sagrada, indicated; emodin, present; ash (per cent), 0.24; organic matter, by difference (per cent), 3.55; an aqueous solution of glycerin, vegetable matters (apparently gentian, wild cherry, and cascara sagrada), and sodium salicylate.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Cures * * * Fever and Ague, * * *,"

and all forms of Nervousness, Headache and Neuralgia. Also positive cure for Female Complaints * * *,” were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the cure of fever and ague and all forms of nervousness, headache, and neuralgia, and effective for the cure of female complaints, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of fever and ague, or all forms of nervousness, headache, and neuralgia, or effective for the cure of female complaints. Misbranding was alleged for the further reason that the following statement, appearing on the label of the carton aforesaid, to wit, “This preparation contains * * * iodide of potassium,” was false and misleading in that it was intended thereby to indicate to purchasers thereof that said article of drugs contained iodide of potassium when, in fact, the said article did not contain any iodide of potassium.

The so-called “Quality Damiana Compound” was labeled: (On bottle) “Quality in medicines is of great importance. Quality Damiana Compound 25% Alcohol. This preparation is an infallible remedy for General Nervousness and all forms of Debility of the Reproductive Organs. Dose, one to two teaspoonfuls after meals and at bed time. No. 1267. Guaranteed by the P. L. Abbey Co. under the Food and Drugs Act, June 30, 1906. The P. L. Abbey Co., Kalamazoo, Mich.”

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Alcohol (per cent by volume), 12.57; glucose (per cent), 35.89; iron, present; iodids, absent; damiana, indicated; phosphates, present; ash (per cent), 0.94; vegetable matter by difference (per cent), 1.36; a hydroalcoholic solution of glucose and vegetable matter resembling damiana, horehound and boneset.

Misbranding of this product was alleged in the information for the reason that the following statement, regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, “This preparation is an infallible remedy for * * * all forms of Debility of the Reproductive Organs,” was false and fraudulent, in that the same was applied to the said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as an infallible remedy for all forms of debility of the reproductive organs, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as an infallible remedy for all forms of debility of the reproductive organs. Misbranding was alleged for the further reason that the following statement, appearing on the label of the bottle, to wit, “25% alcohol,” was false and misleading, in that it indicated to the purchasers thereof that the said article of drugs contained 25 per cent of alcohol, when, in fact, it contained a less amount of alcohol, to wit, 12.57 per cent.

On January 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 on each count of the information, or a total fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3962. Misbranding of "Bad-Em Salz." U. S. * * * v. The American Laboratories, a corporation. Tried to the court and jury. Verdict of guilty. Fine, \$100. (F. & D. No. 5862. I. S. No. 1659-e.)

On December 3, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, and on March 17, 1915, an amended information, against The American Laboratories, a corporation, organized under the laws of the State of South Dakota, and having a place of business at Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 27, 1912, from the State of Pennsylvania into the State of New York, of a quantity of "Bad-Em Salz" which was misbranded.

The product was labeled: (On bottle) "This Powder reproduces the medical properties of the great European Springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys and bladder. Bad-Em Salz cleanses the digestive tract, promotes the flow of bile, dissolves gall stones and gravel in the kidneys or bladder, and frees the blood of poisonous impurities. Bad-Em Salz is free from Acetanilid, Bromides, and all other dangerous narcotics. Guaranteed by the American Laboratories under the Food and Drugs Act, June 30, 1906. Serial No. 29210 Bad-Em Salz Caution Always use a dry spoon and never leave the bottle open Directions * * * Price 25 cents The American Laboratories Philadelphia, U. S. A." (Blown on bottle) "Bad-Em Salz." (On wrapper) "29210 Guaranteed under the Food and Drugs Act, June 30, 1906. Bad-Em Salz. This powder represents the medicinal agents obtained by evaporating the water from the famous European Springs. The experience of a thousand years confirmed and approved by every important modern medical authority, demonstrates it to afford an incomparable remedy for Diseases of Stomach, Intestines, Liver, Kidneys and Bladder Cleansing the Digestive Tract Promoting the Flow of Bile Neutralizing Uric Acid Dissolving Gall Stones and Gravel in the Kidneys or Bladder and Freeing the Blood of Poisonous Impurities Price, 25 cents. Prepared Exclusively by the American Laboratories Philadelphia, U. S. A."

The pamphlet or circular accompanying the product contained, among other things, the following: "Bad-Em Salz stimulates the liver to throw off more bile, carrying away poisons and dissolving gall stones.

"Gastritis and Catarrh of the Stomach (Inflammation of the Stomach) are usually due to drinking and eating too much and can be 'headed off' by a large dose of Bad-Em Salz at bed time and again the next morning.

"Diabetes, the disease characterized by sugar in the urine, is accompanied by great hunger, thirst and weakness. It is particularly prone to attack fat people, and like Obesity itself, yields to diet and Bad-Em Salz.

"A dose of Bad-Em Salz every morning will make you well and keep you well.

"Gall Stones are much more common than is generally known. One woman in every six has them, though often she doesn't suspect it. Mild early symptoms, such as indigestion, heartburn, nausea, jaundice, bilious attacks, etc., should be treated at once, without waiting for the agonizing pain of gall stones colic to develop. Begin at once to take Bad-Em Salz, a teaspoonful or more, better in hot water, three times a day. This must be kept up for weeks, but it leads to recovery without the terrible suffering and danger of a surgical operation.

"Chronic Inflammation of the Kidneys (Bright's Disease) is frequently due to Uric Acid. Rest, a simple diet of milk and fresh vegetables with little meat and small doses of Bad-Em Salz at bedtime and on arising will prevent or check the disease.

"Catarrh of the Bladder can be quickly relieved by one or two glassfuls of water containing Bad-Em Salz on arising in the morning, repeated, if necessary, several times during the day."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Sodium chlorid (per cent).....	12.45
Sodium sulphate (per cent).....	39.40
Sodium bicarbonate (per cent).....	39.96
Tartaric acid (per cent).....	2.33

The sample consists of common salt (sodium chlorid), Glauber salt (sodium sulphate), baking soda (sodium bicarbonate), and a small amount of tartaric acid.

Misbranding of the product was alleged in the information for the reason that the following statements appearing in the label on the package aforesaid, to wit: (Bottle) "This Powder reproduces the medical properties of the great European Springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys, or bladder." (On wrapper around bottle) "This Powder represents the medicinal agents obtained by evaporating the water from the famous European Springs", were false and misleading in that they indicated to the purchasers thereof, and created in the minds of the purchasers thereof, the impression and belief that said article reproduced the medical properties of the great European springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys, or bladder, and that it represented the medicinal agents obtained by evaporating the water from the famous European springs, when, in truth and in fact, said article did not reproduce the medical properties of the great European springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys, or bladder, and did not represent the medicinal agents obtained by evaporating the water from the famous European springs.

Misbranding was alleged for the further reason that the statement on the label aforesaid, to wit, "Bad-Em Salz", was false and misleading in that it indicated that said preparation was composed of substances or salts derived from the waters of the springs at Ems, Germany, whereas, in truth and in fact, said preparation was not composed of salts or substances derived from the waters of the springs at Ems, Germany, but was an artificial preparation consisting essentially of common salt, Glauber salts, baking soda, and tartaric acid.

Misbranding was alleged for the further reason that the statement on the label of the bottle aforesaid, to wit, "This Powder reproduces the medical properties of the great European Springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys, and bladder. Bad-Em Salz * * *", was false and misleading in that it indicated that the said preparation was composed of substances or salts derived from the waters of the springs at Ems, Germany, and that said preparation reproduced the medical properties in substances or salts found in the waters of the springs at Ems, Germany, whereas, in truth and in fact, said preparation was not composed of substances or salts derived from the waters of the springs at Ems, Germany, and did not reproduce the medical properties of the substances or salts found in the waters of the springs at Ems, Germany.

Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the article appearing on the label of the bottle aforesaid, to wit, "Bad-Em Salz . . . dissolves Gall Stones and Gravel in the kidneys or bladder . . .", was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for dissolving gallstones and gravel in the kidneys or bladder, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for dissolving gallstones and gravel in the kidneys or bladder.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article, included in the circular or pamphlet aforesaid, to wit, "Bad-Em Salz * * * Dissolving Gall Stones. Gastritis * * * can be 'headed off' by a dose of Bad-Em Salz at bedtime and again the next morning. Diabetes * * * yields to diet and Bad-Em Salz. Gall Stones * * * Take Bad-Em Salz. It leads to recovery. Chronic Inflammation of the Kidneys * * * Bad-Em Salz at bedtime and on arising will prevent or check the disease. Catarrh of the Bladder can be quickly relieved by one or two glasses of water containing Bad-Em Salz * * *," were false and fraudulent in that by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for dissolving gallstones and effective for the prevention of gastritis, and effective for curing diabetes and effective for preventing or checking chronic inflammation of the kidneys, and effective for relieving catarrh of the bladder, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective, among other things, for dissolving gallstones or effective for the prevention of gastritis, or effective for curing of diabetes, or effective for preventing or checking chronic inflammation of the kidneys, or effective for relieving catarrh of the bladder.

On March 12, 1915, the defendant filed its motion to quash the second count of the information for the reason and because:

The amendment of August 23, 1912 (37 Statutes at Large, 416), to the Food and Drugs Act upon which amendment said second count is based, is contrary to the Constitution of the United States of America and void, in that—

1. Said amendment attempts to establish criteria in matters of opinion which are incapable of judicial ascertainment and decision, and is not a regulation of commerce.
2. It attempts, beyond what would amount to a reasonable and proper regulation, to restrict and circumscribe the citizen's right to engage in commerce.
3. Said amendment in effect deprives persons of property without due process of law.

On March 31, 1915, the court entered a formal order overruling and refusing said motion to quash.

On April 7, 1915, the case came on for trial before the court and a jury, and after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Dickinson, J.):

GENTLEMEN OF THE JURY: The facts of this case have been so fully discussed by counsel, and the points in controversy have been so clearly and adequately presented to you, that I do not feel called upon to take up much of your time in reference to the facts. It has been suggested that I say something to you with respect to your attitude, as a jury, toward the trial of cases, not merely of this kind but of all kinds of cases, on this side of the court; and it has always seemed to me that that is a helpful thing to any man, or body of men, who are called upon to decide any question, to get clearly in their minds what their proper attitude toward the questions which are presented to them is.

Now, we are all accustomed, indeed proud, to say that this country of ours is a self-governed country, meaning by that that the people here govern themselves. We do not select any men for any reason of supposed superior intelligence, or experience, or training, or birth, or anything of that extraneous character to govern us, but we think, at least, and we like to feel, that we govern ourselves. Now a very important function of government is the decision of cases, the trial and determination of disputes between citizens. In cases of this kind, on what is called the criminal side of the court, we have this fact, which I would like to emphasize and impress upon your minds: If a cause is to be decided, it necessarily follows that some one or some number of persons must decide it. That is perfectly clear, and under our system of law and of govern-

ment the tribunal which is to decide questions of this kind is a jury, just such a jury as you twelve men constitute; and the people of this country have time and again shown, not only a decided preference, but a most emphatic insistence, that no man shall be found guilty of an infraction of the criminal law until his guilt has first been passed upon by a jury. Now that, therefore, involves that what the people of this country expect of you, and therefore what the law requires of you, is that your verdict shall be the reflection of your own judgment, your judgment as a jury, and that means that you are not to accept the opinions or the judgment of somebody else. It is your judgment which is to govern and nobody else's. Of course, that does not mean that when counsel address you in the course of the argument of the case you are to pay no attention to the arguments which counsel address to you. You are to listen to them; you are to consider them; you are to weigh them; you are to estimate their strength, or detect their weaknesses if there be weaknesses in the argument. You are to give all that is said to you by counsel a due and proper consideration; but you are to pass it through the sieve of your own judgment, so that, when you reach a conclusion, it is your conclusion and your judgment which is registered by your verdict, and you do not slavishly accept the opinion of counsel or anybody else.

Now, what applies to counsel applies just as well to the trial judge, and if, in the course of what I may say to you about the facts of this case, I should unintentionally—and if it was done it would be unintentionally—let slip an expression of opinion, you are not to regard that as having any weight upon you at all, other than the facts or the argument upon which it is based show that it should have. You are not to accept the views of the trial judge, any more than the views of anyone else. I want to say to you that I not only have no intention of expressing an opinion, but that I have no opinion to express; so that, if you should get the idea that the trial judge, for instance, had a certain opinion about this case, it would be a mere guess upon your part, and you would be just as likely to guess wrong as guess right, for there is just one chance out of two of your being right. So that you come back every time to your own opinion about it. Now that is the case with respect to the opinion of anybody else. If somebody in this courtroom had expressed an opinion, or the same man, or somebody else, had put that opinion in print and it had appeared in a newspaper or magazine article, or anything of that kind, you are not to pay the slightest regard or attention to those opinions. In the first place you can take it for granted, almost without exception, that the man has no knowledge upon which he bases his opinion anyhow. It is your opinion which is to govern, and that opinion, or that judgment, or that verdict—for they all mean substantially the same thing—is based upon, is a deduction from, the facts in the case as they appear, and they can appear only in one way, and that is from the evidence, of which the sworn testimony in the cause is a part; so that you are to take your facts from the witness box, and you are to use your judgment in reasoning upon those facts to the conclusions which you may reach.

Now, the law in the trial of cases lays down certain rules. They are, if I may be permitted to use a colloquial expression, the "rules of the game," and you are to follow those rules. One of the things is, as I have said, and I repeat it, so that you may get into the proper attitude of mind toward the decision of this case, that you are here as the representatives of the Government of this country, precisely in an analogous sense to that in which our Representatives in Congress and Senators are representatives, in the sense in which the President, the heads of departments, and all the other members of the executive department of the Government are representatives of that Government of the people. Now our Representatives in Congress pass laws. Our other representatives, the juries of the land, apply and enforce those laws. Of course, you can see at once that it is idle for some of the Representatives of the people in Congress to pass laws if the other representatives of the people, the juries of the land, either through indifference or for any other cause, refuse to apply, and in that sense to enforce, the laws. Now, one of the rules of the game is that you also, in the sense of representing justice, represent the defendants in the case. I do not mean by that that you represent them in the sense in which their counsel represents them; but, in representing justice you necessarily must stand for the rights of the defendants, and the law gives them certain rights. Now, just as I said about the law, that it is idle to have a law unless it is enforced, so it is idle for the people, through their laws or through their constitutions, to say that defendants shall have certain rights, unless juries, when cases come up, apply that law by according to defendants those rights, and they ought to be accorded them fully and freely and ungrudgingly.

Now, one of the rights of every defendant is what is called the presumption of innocence. You are all familiar with that principle of law, and it is unnecessary for me to dwell upon it. I will let it go with the passing observation that, in substance, it means this: That the question of the guilt of a man is not to be a thing taken for granted, or assumed, or jumped at, or guessed at, or reached out of prejudice from one

cause or another, but it must be a reasoned result. The man is in law innocent until he is proven guilty, and he is proven guilty by facts being brought to the attention of the jury in the proper way, from the witness box, and then the jury, applying the law to those facts and using their judgment and their reason, reach the conclusion that he is guilty; and under the law no man can be found guilty without that procedure.

Another right of the defendant with which juries are also familiar is what is known as the doctrine of reasonable doubt, and that is to say, the law says to the prosecution in every case, "You have accused this man of crime. Now prove it." That is the first proposition; and, secondly, "Remember that in proving it you are to prove it beyond a reasonable doubt." It is, therefore, important that the jury get into their minds, as nearly as they can, exactly what the law means by this doctrine of reasonable doubt. You will notice that the doctrine is not a doubt, but a reasonable doubt. In general terms, it means such an uncertainty as to the proper conclusion to be reached that a normal, sensible man finds himself unable to reach a conscientious conclusion without such a degree of hesitation as renders the conclusion which he might reach doubtful. Now, it is a reasonable doubt in another sense. It is no mere speculative, theoretical doubt. For instance, in some cases the only kind of proof that can be found is the proof that is built upon deductions that arise from a fact here and a fact there and another fact in some other place, or what is called circumstantial evidence. Now, some people have a general, what you might call speculative, theoretical doubt about the value of all kinds of circumstantial evidence. But you are not to be influenced by a doubt of that kind. Or, as it has been often expressed, it is a reasonable doubt, such a doubt as that, when the mind of a normal, reasonable man is following step by step along the path of reason, it encounters an obstacle, in the form of an honest doubt, which, in spite of the best effort of all his reasoning powers, he is unable to surmount or get around, or remove that obstacle, then the law says to him, "Stop; you need go no farther. The defendant is entitled to the benefit of that doubt, and on that ground you should acquit." But it is no mere whim of disbelief or unbelief.

Now, that is rather a long prelude to this case. Another good way to approach the consideration of the case is to get firmly in your mind what the case is that you are asked to decide, and therefore a very reasonable question for you to ask yourselves and settle in your minds is, What is the charge against this defendant, upon his guilt or innocence of which we are asked to pronounce? Now, the charge arises generally under what are called the Pure Food and Drug Acts, the general purpose of which you will all understand, and I am sure that you will appreciate the value and the general beneficence of laws of that kind. They have a very proper purpose, and, like every other law, if they have been broken, there should be no hesitancy in the enforcement of the law; and particularly I may call attention to laws of this character, for this very obvious reason: If we have no laws of this kind and men may put out whatever they please and say about it whatever they please, men who are approached to purchase these things, knowing that the door is wide open for any degree of deception, are put upon their guard and they are in a position to protect themselves, so far as they can, by the exercise of their own judgment and by any investigation which they can make for themselves. But if we have laws of this kind you can see that there would naturally grow up, after while, a disposition to rely upon the law, and, if the law requires that certain things be done and certain other things be not done, we easily get into the way of taking it for granted that those things have been done which should have been done, and that those things have not been done which ought to be omitted. In other words, we get to relying upon the law and we relax the efforts for our own protection.

Now, while all of that is true, and your attitude toward the enforcement of the law should be precisely that attitude, you are not to forget that in each particular case the question before you is not whether the law should be enforced, because that goes really without saying, but the question is has the particular defendant before you been guilty of an infraction of that law, and the real question you have to decide is the guilt of the defendant beyond the reasonable doubt which I have defined, under the evidence and sworn testimony in the case.

Now, your attention has been called to what we might term two laws on this subject. One, which was the original law, is aimed at the misbranding of articles. We may confine it to drugs in this case, because we are concerned with drugs here. Now, that merely means, as has been explained to you, that when any one puts out an article he must tell the truth about it. He must state just what it is, and if he has misbranded it in the sense that, in speaking of what it is, he has made false and misleading statements with respect to it, or in common parlance it comes practically to what we would call lied about it as to what it was, its ingredients, its composition, the substance it is, then there is a misbranding under the law. Now, of course, you will understand that, particularly with respect to drugs, a man might not confine himself to that. There are two things that he might do, or either of which he might

do. He may put out a statement as to what the thing is, and then he may put out another statement as to what the thing will do; if it is a drug, what its curative or therapeutic qualities are, what it will help in the way of human ailments or disease, or what, in the common parlance of the street, we might call the "brag" about the article. Now, you see, there is a difference there. One statement refers to what the thing is; the other statement refers to what it will do or accomplish; and the second subject is made the field of operation of what you have heard called the Sherley amendment, which makes it an offense against the law for anyone to make statements which are false or fraudulent with respect to what the drug will accomplish.

Now, you have that distinction, I am sure, clearly in your minds; but let me give it to you by way of a very trite and commonplace illustration. We all know that there are certain waters contained in the flow of springs everywhere throughout the world that have a reputation for the possession of certain curative properties; that they will, if taken into the human system, produce certain results. The number of them is practically limitless. Their reputations vary in width and in degree. How much of their reputation is due to the inherent merits or virtues of the waters themselves, and how much of it is due to the arts of the advertisers, we do not know; but we do know that they have that kind of a reputation. For illustration, a water of which we see very much is what is known as the Vichy water, or Celestin. It is used frequently as a table water. You can get it at your clubs, you can get it at the hotels, and people have a wish to drink it and they do drink it. Now, supposing a man in Philadelphia, for instance, would gather together some rain water, or turn the faucet in the hydrant and get some Schuylkill water, and would bottle it and would put it out on the market, and would say that it was Vichy water, or Celestin, or that it was Buffalo lithia water, or any of these other waters that have a reputation. Now, you see, he would be misbranding that. He would be telling a falsehood as to what the thing was. Now, supposing he went farther, it being nothing more than rain water, and he put on there a statement that that would cure diabetes, or that it was a specific for diarrhea, or any other of the common ailments of man. Now, in saying that he would be making a false statement, at least, he might be making one, and, in the instance which I have given, nobody would doubt but what he was making both a false and a fraudulent statement.

Now, that second proposition is the Sherley amendment. In this idea of fraudulent, is involved the thought that he is doing it for the purpose of defrauding people of their money, or something else of value. That idea is involved in it. Now you will notice that that contains two thoughts—the thing must be false and the thing must be fraudulent.

Now, let us go back for just a moment to the first proposition, the misbranding. There are four counts in this indictment which you will have to pass upon. Three of the counts relate to the general subject; that is, 1, 2, and 3 relate to the first proposition which I have attempted to make clear to you, and the fourth count relates to the second proposition. Now, the charge is, in these counts, that there was a misbranding. One of them states a misbranding in this particular, another one states it in another particular, and the third states it in more particulars than one. The essential charge is that the defendant in this case has misbranded these salts, in that the defendant has put them out under a false and misleading statement, and that they are not what these statements would lead anyone to suppose that they are; and one of the propositions is that, in the very name itself that they have built up a name for the purpose of conveying the thought, and in that sense of making the statement, that the salts contained in one of these packages are the salts that are contained in the waters of the springs at or near the city of Ems, in southeastern Germany. Now, the other is that they state that they reproduce, or that they represent, the salts, the ingredients, the properties, that are contained in the waters of the famous European springs, and that those statements are misleading, according to the charge in one indictment, because they convey the statement of the fact, or are misleading in the sense that they tend to produce the impression that they are a reproduction of the very salts, the very ingredients, the very composition, of these well-known medicinal spring waters; and the other is that the very salts contained in this package are salts that are obtained by the process of taking the actual spring water and evaporating it, and these very salts are the residuum which is thus obtained. Now, the United States has produced before you evidence, as to which apparently there is not any controversy, that these packages do not contain any such thing. That really is not the dispute in this case. The defense is that there is no such statement upon these packages; that that is not what is said nor what is intended; and that there is no justification for the assertion made by the United States that any such misleading statement is made; that all that is intended is that they reproduce and that they represent, in the sense that these salts contain, in their ingredients, the essential properties, qualities, the ability to produce effects, which the waters have. In

other words, they are a representation in the sense in which it can be said—has indeed been said in this case—that counsel represent a client, or in which a member of Congress represents his constituents, that he is there acting in place of and in lieu of. Now, that is the essential point which you are to pass upon as to the first three counts of this indictment. I might say as an illustration (you all saw it in the papers, and it has just occurred to me as an illustration of what I mean) that somebody was found down, I think, in south Jersey, selling sawdust, accompanied with the statement that it had been taken from the Sunday Tabernacle in Philadelphia, while in point of fact, of course, it had been taken from the nearest sawmill. That represents, in the rough, and as a trite illustration, just exactly the point of the distinction around which the real controversy in this case turns as to these first counts.

MR. OLIVER. Would your honor just explain a little further about the sawdust proposition? I think it might convey the impression that our proposition was like the sawdust proposition.

THE COURT. Oh, I am sure the jury does not understand it in that way. I meant they are alike in this sense: Anybody who wants to, who has a fancy, who has a sentiment, as we can understand many people might have, and, therefore, would value the possession of something that was a memento and reminder of the tabernacle meetings, might like to have even some of the very sawdust from the sawdust trail, and, if he fancies it, he has a perfect right to have it and any man has a perfect right to sell it to him; but you would all recognize the difference between a man who actually went to the tabernacle and gathered the sawdust which was the real sawdust of the tabernacle and sold it to the man as the sawdust of the tabernacle, and the man who went to the nearest and most convenient sawmill and got some other sawdust and put that off on the man as if it had been gathered in the other place. Now, that is essentially the charge which the United States is making against the defendant here, that they represented that as the actual, real sawdust. The defense is that they did not make any such representation at all; that they never said that this was the salt actually taken from the real springs, but that they had a salt which reproduced and represented that salt in all its essential elements. That is, I think, quite sufficient to be said upon that point.

Now, we come to the next point, and that is what I have called the "brag" of the statement—what the thing will do. You can all see that that possesses, or at least suggests, the idea of prophecy. What a thing will do is in the future and in that sense more or less prophetic; but the prophecy is based upon knowledge, and knowledge gained by human experience. Now, it is made an offense under the law for anyone to put out a false and fraudulent statement as to what a medicine will do, in the sense of what it will cure. Take the first illustration that I gave you, a man who was selling nothing more than rain water, and was putting it out under the statement that it would cure rheumatism or cure tuberculosis, and who sold it and obtained money from people by doing that. I do not think it would be straining anybody's conscience to find that that man was making a false and fraudulent statement and to convict him of it, because it would be perfectly clear that he was making it with the purpose and intent of defrauding people of their money; in other words, getting something for nothing. Now there is that idea of intent involved in this fourth count which is not in the other counts. The other counts are a question of fact. There is no intent in it. The question is, Were the things misbranded? This question of fraud involves the idea of the intent. Was there this fraudulent feature in it in that sense? There, gentlemen of the jury, you will have to use your common sense, and the appeal is to your common sense. We can all understand that about many things there is a field for the exercise of difference of opinion; but alongside of it, and at some point approaching and meeting it, is another field—the field of fraud. Now, fraud is a word that nobody can define. Nobody can tell you in words what the word "fraud" means. It belongs to that same category as the word "life" in physiology and in philosophy, or the word "money" in monetary science or in politico economics. Nobody can give a definition of what life is without settling all the theories that cluster around human existence. Nobody can give you a definition of money without settling all the theories of politico economics. And so it is with the word "fraud." And yet it is an idea which the average mind clearly grasps and firmly holds. We know when we are justified in saying "That thing is a fraud," or "That man is a fraud," and it conveys to our mind a very clear and very definite impression. Now, you must have the two things—however, as I said, the thing must be false and it must be fraudulent. The statement which is averred by the United States to be false and fraudulent is essentially the statement that the effect of taking this medicine is that gallstones will be dissolved in the human body. The first thing is, is that true, and you are to determine that if it is a fact. It belongs to the category of what, in one sense, you might correctly phrase as a scientific fact, and you are to determine it, therefore, according to the information that is given to you by the science of medi-

cine—a fact which is to be determined by evidence that comes to you from sources of that kind. Now, will this dissolve gallstones? You have heard the testimony and you can pass upon that question.

The next question is, whether it will or whether it will not. Were these statements made, not as the expression of an honest opinion, or an honest expectation, or an honest belief, with the medicine so made for that purpose, or were they put out for the mere purpose of inducing people, without any basis of real belief, and put out for the purpose of extracting people's money from them without giving them in exchange anything of real value? It is very much akin to the idea of obtaining money by false pretenses, putting the statement out, knowing that there was no foundation for it, having no real expectation or belief that it would have or produce any such result, and doing that for the purpose of fraudulently extracting money from people.

Now, gentlemen, I have taken up twice as much of your time as I had any thought of doing, and I want in closing to put the case to you as one which calls for the exercise of the intelligent, level-headed, common-sense judgment, which I am sure you will apply to it. I ought to say in this connection that it is not necessary for the United States to show that every one of these statements which they have charged to be false is false. It is not necessary for them to show that this article has been misbranded in every particular in which they charge that it has been misbranded. If it has been misbranded as to one particular, or if the statement with respect to the curative properties is false and fraudulent in one particular, then the defendant is guilty as to that statement.

The defendant has asked me to say to you—

“(1) As the offense charged is a misdemeanor, the Government must satisfy you of defendant's guilt beyond a reasonable doubt or you must find for the defendant. All doubts in your minds must be resolved in favor of the defendant.”

I affirm that proposition to the extent to which I have already explained to you. It is not that all doubts be resolved in favor of the defendant. It is the reasonable doubt, and the kind of reasonable doubt which I have explained to you.

“(2) The first count in this case does not come within that portion of the act dealing with statements of curative or therapeutic effects of medical preparations. Therefore in deciding whether or not the defendant is guilty you have to determine merely whether the article ‘reproduced’ the medical properties of the great European springs and ‘represented’ the medicinal agents obtained by evaporating the water from those springs, or whether those claims made by the defendant were false and misleading.”

That I affirm. It is in the line of what I have already explained to you—the distinction between counts 1, 2, and 3, and count 4.

“(3) In reaching a determination of that question you may take into consideration the fact that the National Formulary, which has been adopted as its standard by the United States Government, contains a formula for effervescent artificial Carlsbad salts, and states that so many grains of that salt, when dissolved in so many ounces of water, *represent* an equal volume of Carlsbad water.”

I affirm that point. You may take that into consideration, as you may—and indeed should—take into consideration all the facts and circumstances of the case.

“(4) The second count covers the name ‘Bad-Em-Salz,’ the Government claiming that this name indicated that the preparation is composed of substances derived from the springs at Ems, Germany. In deciding this question you may consider the name in connection with its context; you may take into consideration such facts as that the label states that the preparation merely *represents* and *reproduces* the medicinal agents and properties obtained by evaporation of the water from the famous European springs, and that the label contains at the bottom the words ‘The American Laboratories, Philadelphia, U. S. A.’ You may also consider whether the springs at Ems are sufficiently known in this country to make the name Bad-Em-Salz misleading, also whether or not the salts from the springs at Ems are known as Bad-Ems Salz, and you may likewise consider such other evidence as may bear on this matter. If under the evidence you do not believe beyond a reasonable doubt that the label indicated that the preparation was composed of substances actually derived from the springs at Ems, you must find for defendant on the second count.”

Gentlemen, I affirm that point, that all of the things enumerated there you are to consider, as I have said several times, in connection with all the evidence in the case.

“(5) The third count covers the use of the name ‘Bad-Em-Salz’ immediately following the phrase, ‘This powder reproduces the medical properties of the great European springs, famous for centuries for the cure of diseases of the stomach, intestines, liver, kidneys, and bladder,’ the Government claiming that this indicated that the preparation was composed of substances derived from the waters of the springs at Ems and that the preparation reproduced the medical properties of the substances found in

those waters. It is for you to decide, after weighing all the testimony, whether or not the label was false or misleading in the particulars mentioned. If there is a reasonable doubt in your mind, you must find for the defendant."

That is affirmed.

"(6) The fourth count deals with alleged misstatements of the curative effects of this medical preparation. Statements of curative and therapeutic effect, in order to come within the act, as amended, must be statements of fact and not mere expressions of opinion. They must be downright falsehoods, and in no sense expressions of judgment."

I affirm that to the extent that they must be false, and, in addition to that, which is not stated in this point, they must be fraudulent in the sense that I have described.

"(7) A conviction on the fourth count in this case would not be warranted, therefore, unless you are convinced beyond a reasonable doubt that the preparation is absolutely worthless for the accomplishment of the things claimed for it, and is an out and out cheat."

I do not feel justified in accepting the rhetoric employed in the presentation of that point, but I will affirm it to this extent, that, as I have said any number of times, you must be convinced beyond a reasonable doubt that the statement was false and that it was fraudulent in the sense that I have already explained.

The other points are disaffirmed.

The United States has asked me to say to you:

"1. If you believe beyond a reasonable doubt that any one statement as to the curative or remedial properties of this medicine was false in fact, and that the defendant knew that it was false, you may find the defendant guilty on the fourth count."

I make the same answer to that, affirming that to the extent that you must be convinced beyond a reasonable doubt that the statement as to the curative effects was both false and fraudulent.

"2. If you believe beyond a reasonable doubt that this product will not dissolve gallstones in the body, and that the defendant must have known it, you may find the defendant guilty on the fourth count."

I make to that the same answer; as to that specific statement, you must be convinced beyond a reasonable doubt that it was false and also that it was fraudulent.

"3. If you believe beyond a reasonable doubt that this product is worthless for any of the things for which it is labeled, and that the defendant knew this, you may find the defendant guilty on the fourth count."

I will say as to that that you are confined in your deliberations to the statement which is alleged in the fourth count of this information to have been false. You can not travel outside of that to any other statements in the case other than those which the Government itself has alleged to be false and fraudulent. If you find those to be false and fraudulent you may convict, and with that qualification the point is affirmed.

Mr. STERRETT. Or any one of them, your honor.

The COURT. As I have already said to you, the United States is not called upon to prove all of the charge. If they have charged that several of these things are false and fraudulent, and if you are convinced that one of them is, you may convict as to the count which involves that charge.

"4. If you believe beyond a reasonable doubt that any one of the therapeutic claims is absolutely false and was made by the defendant with a careless disregard as to whether it was true or false, you may find the defendant guilty on the fourth count."

That point I disaffirm as phrased. It comes back to the proposition that, if you find the statement is both false and fraudulent, you may convict.

"5. To find the defendant guilty the Government must prove beyond a reasonable doubt that at least one of these therapeutic claims is false and fraudulent. It is not sufficient for the Government to show a mere difference of medical opinion, but if you believe the statement is absolutely false and contrary to scientific fact the mere refusal of some doctors to accept it does not bring a scientific fact into the realm of opinion."

I say as to that, gentlemen, that it is for you to find the proposition as a fact, and I do not accept the qualification in this point of a scientific fact. The opinion of doctors, so far as they testify as experts, is evidence of a fact, just as the testimony of an ordinary witness to a fact within his observation is evidence of the fact. It is for the jury to be convinced of the existence of the fact. The other matters are merely evidence by which the conviction is carried or is not carried to their minds.

"6. If you believe beyond a reasonable doubt that the defendant knew that any one of these therapeutic statements was false and misleading, you may infer a fraudulent intent and find the defendant guilty on the fourth count."

That point I do not affirm to the extent that a mere finding of the falsity is sufficient. The thing may be false and the man may say it, but there must be, before there can be a conviction, the other thought that he says it for the accomplishment of a fraudulent purpose. Both elements must be in the case.

"7. The Government's case must rest upon a basis of fact and not upon a basis of mere opinion, but you may regard a unanimity of scientific opinion as conclusive proof of that scientific fact. By unanimity I mean substantial unanimity, not that perfect consensus of opinion which experience proves to be unattainable. If, for instance, you believe from the evidence that all medical authorities agree that gallstones can not be dissolved within the human body, and that only the charlatans hold a contrary view, that would be unanimity within the meaning of the law. The same thing is true, even if some men honestly hold a contrary view, if you believe that their number is so small as to be negligible, or if you believe they represent that small proportion which can always be found obstinately refusing to accept demonstrated fact. The law does not require the ideal unanimity unobtainable in human society so far as this applies to the fourth count."

I will not affirm that point absolutely with respect to the concrete facts of this case. The evidence is addressed to you. The judgment, the finding, which we are after is your finding of the fact under all of the evidence. None of it is conclusive upon you, none of it is binding upon you, except in so far as it is binding upon your conscience, in that it produces in your minds a conviction of the truth or falsity of a certain fact. If you honestly believe so, beyond a reasonable doubt, then it is binding upon your conscience to say so by your verdict. If the conviction is not carried to your minds I do not care what the opinion or thought of anybody else may be, it is the verdict of you twelve men.

Now, take this case. Do not be afraid to dispose of it because learned doctors have discussed it. That is no reason why you should not take it up to be disposed of by you. Take it up just as you would take up any other problem that confronts you in life. Consider it with the same careful scrutiny, with the same intelligence, the same painstaking care, and the same common sense, and reach a verdict upon these propositions, which are in reality very simple in their statement. There are really, in the rough, two propositions, two charges here: The one is answered by the question, Did this defendant misbrand the contents of these packages, in the sense of making false and misleading statements as to what the contents were? That is one proposition. The other, in the statement of what they would do, or in their curative effects, is any statement which they made false and fraudulent? And so as you answer those questions, so will your verdict be.

The jury thereupon retired and after due deliberation returned into the court with a verdict of guilty, and thereupon the defendant company interposed its motion in arrest of judgment and for a new trial. Thereafter said motions in arrest of judgment and for a new trial having come on to be heard and argued by counsel, the same were, upon due consideration, overruled and refused, as will more fully appear from the following decision by the court (Dickinson, J.):

The prosecution in this case began with an information filed under the Food and Drugs Act and the amendment thereto. The first three counts of the indictment are under the original act and charge different acts of misbranding or false and misleading statements respecting the composition of a medicine put out by the defendant under the trade name of "Bad-Em Salz." The fourth count is under the Sherley amendment to the original act, and charges the offense of making false and fraudulent statements as to the curative properties of the salts manufactured by the defendant.

The case was fully and exhaustively tried and defended, resulting, on April 7, 1915, in a verdict of guilty. The motions may be treated as one and are planted upon four propositions: The first is an attack upon the constitutionality of the Sherley amendment. The position is taken that it is beyond the power of Congress to make a crime of the act of a defendant in proclaiming his belief in the curative properties of a medicine. The argument upon which this is based is so fully met by the opinions accompanying the ruling in *U. S. v. Johnson*, 221 U. S., 488, that we do not feel called upon to give it further discussion.

The second ground of complaint is that the defendant has not received the notice required by the fourth section of the Food and Drugs Act. This complaint is disposed of by the case of the *United States v. Morgan et al.*, 222 U. S., 274.

The third complaint is that the indictment was found and tried and a conviction thereunder had without other authority for the institution of the prosecution than an information emanating from the office of the United States district attorney without affidavits in support of it appearing. The facts are that an information with supporting affidavits was filed September 3, 1914. This involved two counts. Another information was filed March 17, 1915. This was the basis of the four counts involved in the indictment upon which the defendant was convicted. The information was based upon the affidavits previously on file. No affidavits were physically attached

to the second information. The discussion of the legal consequences flowing from this is for the moment reserved.

The fourth complaint is that the whole trend of the charge was toward conviction in that it kept the attention of the jury faced in the direction of the guilt and not the innocence of defendant. It must be conceded that a reading of the charge affords some ground for this complaint. It is, however, more seeming than real. The circumstances which gave the framing to the charge brought this about. Before the charge was delivered the attention of the court was called to the fact of certain newspaper publications and discussion of the case. The best method of dealing with the situation was made the subject of a conference between counsel and the trial judge. It was not known whether any of the jury had seen the publication referred to. If they had not seen it, a direct reference to it might do more harm than good. It was thought that the condition could be best met by instructing the jury as to the presumption of innocence and bringing before their minds the responsibility resting upon them to find the facts from the evidence in the case and to acquit unless the proofs brought home to them a conviction of defendant's guilt beyond all reasonable doubt. The trial judge complied with the suggestion made and charged the jury at length, and, if anything, at undue length, in emphasizing the defendant's rights of trial. This was done with such fullness at the commencement of the charge that we can not find that the effect of it was lost upon the jury by anything subsequently said, nor that the defendant was prejudiced by the later features of the charge. Over and beyond these specific grounds of complaint lies the broader one that there was no evidence in the case to justify the defendant's conviction of a crime. The situation in this view of it may be voiced in the phrase that the defendant, if punished, will have been punished for the crime of medical heterodoxy and not for any offense against the law. In other words, the president of the defendant company, who is himself a physician, advanced a theory advocated by others as well as by himself for the treatment of cases commonly known as gallstone cases. In opposition are eminent physicians and surgeons, and, as the argument might concede, the weight of scientific medical opinion is against him. Inasmuch, however, as the treatment is the subject of controversy and its efficacy within the domain of opinion, the minority can not be convicted of crime merely because they are outnumbered. It is certainly true that a man should not be convicted of fraud merely because he advocates a theory of medicine which at the time had not received the sanction of the indorsement of the medical profession. It is equally true that a fraud or a faker can not escape the consequences of his fraud by the mere fact that some one may honestly believe in the theory which he fraudulently and dishonestly exploits. The broad distinction between things which are frauds and things which are not frauds is clear. It would be difficult and indeed seems to be impossible to give a definition of such frauds in words. Supposititious cases illustrating the distinction could be multiplied beyond number. The essential difference is a fact, and in the administration of the criminal law is a fact to be found by a jury. As applied to the evidence in this case, the statement is easily credible that a man believes in and honestly advocates a course of taking the waters of certain springs as a specific for the prevention of gallstones in the sense of ameliorating the conditions to which the formation of gallstones are due; it is conceivable that a man may give a like advocacy to the theory that gallstones when once formed may be dissolved, and there may be other persons of like opinions with himself.

The views thus expressed and the treatment advocated may be groundless in fact and unsupported by respectable professional opinion, and yet the holder of them would not be the proper subject of criminal prosecution. By the very same token, however, another man might advocate a remedy and put out a medicine to be purchased by the sufferers from ailments or diseases, real or imaginary, and the act itself be so clearly false and fraudulent that the mind would not hesitate to reach a conviction of his criminal guilt. The fact that there was a widely spread disposition among people to give credence to the statement because of a superstitious belief in its efficacy, or indeed such a reputation for the remedy itself as to make people prejudiced in its favor, would not diminish but would increase the guilt of him who sought to make money by false statements and fraudulent devices. It is difficult, and indeed practically impossible, to draw a line in the abstract other than a broad line between these two things. There would seem to be no other way of dealing with the subject than to submit to the common-sense judgment of a jury to find whether in a given case the acts of a defendant have been honest, however mistaken, or whether they have been false and fraudulent. The present case may well be considered a test case. There is a wide spread belief, whether well or ill founded, in the curative properties of the waters of many of the springs which issue out of the earth. The predisposition to belief in their efficacy may have its foundation in the search for the fountain of youth. Certain words have become polarized with this meaning and

excite a feeling of hope or expectation in the minds of sufferers, particularly those who suffer from certain ailments. The word *spa* and the word *bad* are of this kind. The result of the use of such words is very much akin to the thoughts which, from the principle of the association of ideas, are called up by the use of certain widely advertised proprietary words.

In order to determine what basis of merit lies at the bottom of the fame of certain springs the knowledge and skill of the chemist have been called into exercise and the waters have been analyzed and the ingredients which are believed to have contributed chiefly to their efficacy have been determined. It is a short step from this knowledge to the expedient of artificially reproducing the waters or to the more direct method of bottling and transporting the waters themselves or to facilitate the transportation by the process of evaporation and then reproducing a water from the residuum salts. Starting with this widely spread belief in the efficacy of certain natural waters and following this with the thought of reproduction, either in fact or in equivalents, the defendant put on the market the medicine which it widely sells. Indeed, the president of the company in his testimony gave this history of the evolution of the idea of putting these salts upon the market. The idea began with the recommendation of patients suffering from certain ailments to go to Carlsbad or to Ems or to certain other springs and there take the waters. The next development of the idea was that a treatment would be given which is the medicinal equivalent of what could be had at the springs themselves. The standard formula for effervescent artificial Carlsbad salts given in the National Formulary was not believed to be the best combination of salts for the purpose. To vary from this and yet put out the substitute as artificial Carlsbad salts was thought to be inimical to the provisions of the statute. The fully developed thought was to put out another combination of salts believed to be a reproduction and in that sense a representation and in another sense an equivalent of the medicinal properties of the Carlsbad waters. The embodied thought was therefore put into this product under the name of "Bad-Em Salz." This put behind this proprietary medicine the widespread belief of people in the efficacy of these natural spring waters and the thought that they could get the same benefit from a treatment in their own homes which they would receive directly from the Carlsbad or Bad-Ems waters. The further thought was to give the sale of these salts the additional boost of a statement of their curative or therapeutical properties. Had this been fairly done it could not be said that there was involved in it any infraction of any criminal statute.

The charge against this defendant, however, was that the medicine was misbranded in the respect that it was put out under certain false and misleading statements, the essence of which were (was) that the impression was conveyed to the users of the medicine that they were getting the benefit of the very salts which are contained in the natural waters of the springs which had acquired a world-wide fame, and that false and fraudulent statements were made as to the curative effects or results which would flow from the use of this medicine. Right here is the fulcrum on which the lever for the argument on behalf of the defendant is sought to be placed.

As to the misbranding features of the indictment, the defensive position is taken upon the fact that the statements put out by the defendant were neither false nor misleading, and with respect to the curative features, that inasmuch as the results claimed to follow from the use of the medicine was a matter of opinion, there was no basis for a finding of guilt.

The answer made to these propositions by counsel for the United States is the only answer to which they are open and that is that the statement of fact upon which the first proposition turns is one to be determined by a jury. It is not a necessary condition of a finding of guilt that the statement of what the drug is should be a statement flatly and baldly false, but that the word "misleading" in the act has its function, which is to bring the statement within the inhibition of the statute if it is such as to create or lead to a false impression in the mind of the reader as to what the ingredients or the composition of the drug are.

This is the charge made in the first three counts of the indictment, and this is the fact which the jury has found against the defendant.

With respect to the charge under the Sherley amendment, the answer of the United States is that a man who has in fact made false and fraudulent statements as to the curative properties of the drug which he is selling can not when pursued by justice take refuge in the statement that he was expressing his opinion or in being able to find others who honestly believed in the statements made. Here, again, the question of guilt or innocence turns upon the fact and here, again, the fact is one which must be determined by the jury, and here, again, the jury has determined the fact against the defendant. The charge of the court in this feature or aspect of the case was heard by the jury, and therefore must be read in the light of the argument which had been addressed to them. The president of the company, when upon the witness stand,

testified to the honesty of the statements made and to the truth of the claims made for the results of the treatment advocated. This was impressively supported by counsel for the defendant in his argument that the defendant was not to be convicted because the statements made were not believed in by the witnesses called for the United States, and that a defendant could not be convicted because he entertained an opinion, even if that opinion was a mistaken one, and that the fact that the claims made were within the domain of opinion entitled the defendant to a verdict of acquittal.

These propositions were all affirmed by the court, unless the jury had been convinced by the evidence in the case that the statements as to what the drug was were in fact false and misleading and unless the statements of what it would do were both false in fact and were fraudulently made.

The feature of the charge complained of that the illustrations "were all illustrations of guilt and none of innocence" could not have prejudiced the defendant, for the reason that following the course of the argument made by counsel for the defendant they enforced his argument and reinforced his position by impressing upon the jury that there could be no conviction unless the defendant had been guilty of an arrant fraud such as those embodied in the illustrations given.

This brings us back to the only undiscussed complaint now made—that no one can be called upon to defend to a criminal charge which is not based upon reasonable grounds appearing from statements of fact authoritatively made and sanctioned by the oath of some one who has a knowledge of the facts or its legal equivalent in solemnity and responsibility, is a proposition having behind it the highest sanction of the law. The forms of practice in making criminal accusations which have grown out of this are the outer protections which are thrown around every citizen, and there can be no departure from them.

We have not had the opportunity to examine the record in this case with respect to the fulfillment of these conditions preliminary to a trial. We understand the fact to be, however, and it is stated without denial, that the action of counsel for the United States in bringing this prosecution was based upon affidavits made by those having a knowledge of the facts and upon the probable cause which was disclosed by the affidavits. These affidavits are of record. The first information brought home to the defendant charges which would have taken the form of two counts in an indictment. Counsel for the United States subsequently amplified the form of the charges by putting them into the shape of the four counts of the present indictment. The information in the present prosecution was based upon the affidavits which were of record. The complaint now made, as we further understand it, is merely to the feature that the affidavits upon which the information was based are not physically attached to the information itself. We do not think this to afford any legal reason for interfering with the verdict, although we have no wish to lessen the protection thrown around the defendant. *U. S. vs. Gruver* (35 Fed., 58) and *U. S. vs. Baumert* (179 Fed., 735) dispose of this phase of the case.

The motive and policy of the law which lies behind legislation of this general kind is highly promotive of public good. The evils sought to be removed and prevented spring out of conditions requiring tactful and even delicate treatment. Such laws, if arbitrarily enforced, may easily take the form of an unwise dictatorial interference with the pursuits of others. There is a natural temptation to overdo by trenching upon the domain which properly belongs to the ethics of the medical profession. There is danger also that the public will come to rely upon the protection promised by such laws, and therefore relax individual watchfulness. Such laws, therefore, should be administered in such a way as that honest and well-intentioned business may not be hampered, but the detection of frauds and cheats will be made sure and their conviction and punishment rendered certain. The temptation even to those who can not fairly be termed "unscrupulous" is to yield to the suggestions of greed and come as close to the forbidden line as they safely can. The only sure course in the administration of laws of this kind is to leave the determination of guilt or innocence in a given case to the sound judgment of a jury supervised by the wisest scrutiny which the trial judge can give to make sure that no one is convicted without guilt. As has already been stated, this case discloses acts that are not far over the line of what the defendant might lawfully have done. The jury found, however, that it has transgressed that line, and we are not able to convict the jury of having misjudged the real facts in the case.

The motions in arrest of judgment and that for a new trial are therefore both denied.

On April 30, 1915, the court imposed upon the defendant company a fine of \$100, in conformity with the foregoing verdict of guilty returned by the jury.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3963. Adulteration and misbranding of brandy. U. S. * * * v. The Mihalovitch Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5869. I. S. Nos. 2331-e, 2332-e.)

On March 25, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 13, 1912, from the State of Ohio into the State of Georgia, of 2 brands of so-called cognac brandy, which were adulterated and misbranded. One of the brands was labeled: (On principal label) "Cognac Type Renard Freres Brand Guaranteed under the Food and Drugs Act, June 30th, 1906. No. 858. Renard Freres Brand." (On sticker on back of bottle) "Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906." (On bottle cap) "Renard Freres & Cie Cognac RF&Cie." The other brand was labeled: (On principal label) "DFC Dupre Freres & Cie. Brand Cognac Type." (On bottle cap) "Dupre Freres & Cie DFC COGNAC." (On sticker on back of bottle) "Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906."

Analyses of samples of these products by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100° proof, unless otherwise noted:

Sample 1:

Proof (degrees).....	76.9
Methyl alcohol (Riche & Bardy method): Absent.	
Solids.....	100.4
Acids, total, as acetic.....	10.9
Esters, total, as acetic.....	16.0
Aldehydes, total, as acetic.....	2.1
Furfural.....	0.13
Fusel oil (Allen & Marquardt method).....	21.7
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	7.8
Color (per cent insoluble in amyl alcohol).....	64.0

The product consists of a mixture of neutral spirits and brandy.

Sample 2:

Proof (degrees).....	76.7
Methyl alcohol (Riche & Bardy method): Absent.	
Solids.....	99.8
Acids, total, as acetic.....	12.5
Esters, total, as acetic.....	18.3
Aldehydes, total, as acetic.....	2.1
Furfural.....	0.13
Fusel oil (Allen & Marquardt method).....	22.9
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	7.8
Color (per cent insoluble in amyl alcohol).....	60.0

The product consists of a mixture of neutral spirits and brandy.

Adulteration of the products was alleged in the information for the reason that a certain substance, to wit, an imitation brandy of domestic origin, consisting largely of neutral spirits, had been substituted wholly for cognac, which the articles then and there purported to be. It was alleged in the information that the articles were misbranded in the following particulars, to wit:

1. The statement "cognac," borne on the cap of each of the bottles, was false and misleading in that it represented said articles to be foreign products, to wit, brandies made in the cognac district of France, whereas, in truth and in fact, said articles were not brandies made in the cognac district of France, but were articles of domestic

manufacture, to wit, imitation brandies consisting largely of neutral spirits, manufactured in the United States of America.

2. Said articles purported to be foreign products when not so, and were labeled and branded as aforesaid, so as to deceive and mislead purchasers thereof into the belief that said articles were brandies produced in the cognac district of France, whereas, in truth and in fact, said articles were not brandies produced in the cognac district of France, but were imitation brandies of domestic origin and manufacture, consisting largely of neutral spirits.

3. That the statement "cognac type," borne on the label of each of said bottles, was false and misleading in that it represented said articles to be brandies of the cognac type, that is, brandies of a kind or type similar to those produced in the cognac district of France, whereas, in truth and in fact, said articles were not brandies of the cognac type, but were imitation brandies, consisting largely of neutral spirits.

4. That said articles were labeled and branded "cognac type" so as to deceive and mislead the purchasers thereof into the belief that said articles were brandies of the cognac type, that is, brandies of a kind or type similar to those produced in the cognac district of France, whereas, in truth and in fact, they were not brandies of the cognac type, but were imitation brandies, consisting largely of neutral spirits.

On April 21, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3964. Adulteration of catsup. U. S. v. 100 Cases of Catsup * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5894. I. S. No. 22484-h. S. No. E-102.)

On September 1, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of catsup, more or less, remaining unsold in the original unbroken packages at Cumberland, Md., alleging that the product had been shipped and transported from the State of West Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Fort Cumberland Brand Catsup—Preserved with 1/10 of 1% Benzoate of Soda—Octagon—Prepared for the J. C. Orrick & Son Company, Cumberland, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed catsup.

On November 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3965. Misbranding of "Dennis' Eucalyptus Ointment." U. S. v. Dennis Mfg. Co. Plea of guilty. Fine, \$100. (F. & D. No. 5913. I. S. No. 9205-e.)

On January 29, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dennis Mfg. Co., a corporation, Berkeley, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 24, 1913, from the State of California into the State of Oregon, of a quantity of "Dennis' Eucalyptus Ointment," which was misbranded. The product was labeled: (On carton) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Cold in the Head, Piles, Hay Fever, Poison Oak, Burns, Scalds, Etc. Price 50 Cents Manufactured by The Dennis Manufacturing Co. Sutter Creek and Berkeley, Cal." (Trade mark on back) (On side) "Dennis' Eucalyptus Ointment This Remedy has never been known to fail to relieve Catarrh, Cold in Head, Hay Fever or any inflammation of the Mucous Membrane, when used according to directions. Dennis' Eucalyptus Ointment For Burns or Scalds This Ointment relieves the pain from a burn instantly. Relieving as instantly as when burned parts are dipped in cold water." (On bottom flap) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Hay Fever, Cold in the Head and Throat, Croup, and all inflamed mucous membrane." (On top of flap) "Dennis' Eucalyptus Ointment For Itching Piles It has no equal Guaranteed by the Dennis Manufacturing Co. Under the Pure Food and Drugs Act June 30, 1906. Serial Number 4680." (On box) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Colds in the Head, Burns, Scalds, Etc. Sutter Creek and Berkeley, Cal. Price 50c. Dennis M'fg Co. Serial Number 4680." The circular accompanying the product contained, among other things, the following: "An effectual and invaluable remedy which has been thoroughly tested by those suffering from Catarrh, Hay Fever, Cold in the head, Croup, Itching Piles, Old and New Sores, Cuts, Scalds, Bruises, Wounds, Rheumatism and all aches and pains requiring an external remedy. The result in every case has been most gratifying and produces the most wonderful results in arresting and relieving the diseases and complaints above mentioned. From its composition and the mode of its manufacture, it is necessarily the most valuable remedy agent ever offered to the public." "Use Dennis' Eucalyptus Ointment in your families and thus check a catarrhal or bronchial irritation from extending down the bronchial tubes, causing consumption or some incurable ulceration that only a fifty-cent jar of Dennis' Eucalyptus Ointment would have relieved or cured." "Don't Forget that it is a great relief and remedy for Catarrh, Hay Fever, Cold in the head and all aches and pains requiring an external remedy. In fact, daily are the testimonials handed in commending Dennis' Eucalyptus Ointment as a perfect remedy for the diseases enumerated, and relieving and quieting many affections for which it was not originally intended." "Do not let baby die with the Croup. When all give her up run for Dennis' Eucalyptus Ointment Will relieve instantly the worst cases." "Catarrh and Hay Fever Relieved immediately." "Hundreds of people with Asthma swear by it."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of oil of eucalyptus, menthol, a possible trace of camphor, and soft paraffin. No mercury salts, salicylates, metallic salts, ammonium salts, boric acid or borates found. No alkaloids found.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "A valuable remedy for catarrh * * * Piles, hay fever * * * This remedy has never been known to fail to relieve * * * any inflammation of the mucous membrane when used according to directions," were false and fraudulent, in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to

represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective as a valuable remedy for catarrh, piles, hay fever, and all inflammation of the mucous membrane, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a remedy for catarrh, piles, hay fever, or all inflammation of the mucous membrane. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article included in the circulars or pamphlets aforesaid, to wit, "An effectual and invaluable remedy which has been thoroughly tested by those suffering from Catarrh, Hay Fever, * * * Croup, Itching Piles, * * * Rheumatism, and all aches and pains requiring an external remedy. The result in every case has been most gratifying and produces the most wonderful results in arresting and relieving the diseases and complaints above mentioned. From its composition and the mode of its manufacture, it is necessarily the most valuable remedy agent ever offered to the public." "Use Dennis' Eucalyptus Ointment in your families and thus check a Catarrhal or Bronchial Irritation from extending down the bronchial tubes, causing consumption or some incurable ulceration that only a fifty-cent jar of Dennis' Eucalyptus Ointment would have relieved or cured." "It is a great relief and remedy for Catarrh, Hay Fever * * * and all aches and pains requiring an external remedy. In fact, daily are the testimonials handed in commending Dennis' Eucalyptus Ointment as a perfect remedy for the diseases enumerated." "Do not let baby die with the Croup. When all give her up run for Dennis' Eucalyptus Ointment Will relieve instantly the worst cases." "Catarrh and Hay Fever Relieved Immediately." "Hundreds of people with Asthma swear by it," were false and fraudulent in that by means of such circular or pamphlets they were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective as an invaluable remedy for catarrh, hay fever, croup, itching piles, rheumatism and all aches and pains requiring an external remedy, and effective in checking catarrhal or bronchial irritation from extending down the bronchial tubes, and effective for the relief and cure of asthma, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a remedy for catarrh, hay fever, croup, itching piles, rheumatism, and all aches and pains requiring an external remedy, and effective in checking catarrhal or bronchial irritation from extending down the bronchial tubes and effective for the relief and cure of asthma.

On February 24, 1915, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3966. Misbranding of "Cassidy's 4X The Great Blood Purifier," so-called. U. S. v. The Schuh Drug Co. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 5920. I. S. No. 7122-e.)

On March 16, 1915, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schuh Drug Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 2, 1913, from the State of Illinois into the State of Tennessee, of a quantity of so-called "Cassidy's 4X The Great Blood Purifier" which was misbranded. The product was labeled: (On carton) "Cassidy's 4X The Great Blood Purifier It has been in use for over 20 years with unparalleled success in the treatment of all Blood Poison, Scrofula, Salt-Rheum, King's Evil, Rheumatism, Chronic Ulcers, Old Sores, Erysipelas, Eczema—In fact it is a remedy for all kinds of humors in the blood. Cassidy's 4X purifies the blood, cleanses the system, excites the secretions, tones up the nerves, and will build up and restore you to health. As a household remedy and general blood purifier it has no equal. Price \$1.00 per bottle. Schuh Drug Co. Wholesale Druggists Cairo, Ill." (On back of carton) "Cassidy's 4X for the Blood, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all Affections of the Skin, caused by Impure Blood. Contains no Mercury, no Potash, no Mineral Poison. This preparation contains 50% Alcohol and complies with the Pure Food and Drug Law. Serial No. 461. Schuh Drug Company Price \$1.00 per bottle Schuh Drug Co. Wholesale Druggists Cairo, Ill." (On sides of carton) "Cassidy's 4X For all forms of Blood and Malarial Poison. The only blood medicine which will act on the bowels, thereby removing all impurities from the blood. Cassidy's 4X For Malaria, Liver and Kidney Troubles." (On bottle) "Cassidy's 4X The only Blood Medicine That Acts on the Bowels For the Blood and Malarial Poison. For Contagious Blood Taint, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all affections of the skin, caused by Impure Blood. Dose—One-half to one tablespoonful three times daily. For general directions see circular. Price \$1.00 per bottle Six bottles for \$5.00. This preparation contains 50% alcohol, and complies with the Pure Food and Drug Law. Schuh Drug Company, Cairo, Ill." (Blown in bottle) "Cassidy's 4X Schuh Drug Co. Cairo, Ill." The printed pamphlet or circular accompanying the packages included the following statements descriptive of said article: "Syphilis. * * * But if through unwise treatment in the first and second stages the disease has manifest itself in the Tertiary form, the use of Cassidy's 4X becomes more needful, and it is then that its finest results may be expected. In this stage the poison has become deep seated and nothing but a true Remedy can ever hope to reach it. We have this in Cassidy's 4X, and are able to guarantee satisfaction in this most obstinate, as well as loathsome, disease."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	52. 50
Nonvolatile matter at 100° C. (grams per 100 cc).....	1. 50
Residue on ignition (grams per 100 cc).....	0. 11
Acetates as potassium acetate (grams per 100 cc).....	0. 10

Emodin reaction, positive. Aloes, indicated. Alkaloids, very slight trace, unidentified. Salicylate, none. Mercury, arsenic, and antimony, none. Ammonium salts, none. Iron, none. Iodids, none. The product is essentially an alcohol-water solution of cathartic-bearing drug, probably aloes, a very small amount of an alkaloid-bearing drug unidentified, and a small amount of potassium acetate.

Misbranding of the product was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof appearing on the carton aforesaid, to wit, "Cassidy's 4X the great Blood Purifier It has been in use for over 20 years with unparalleled success in the treatment of all Blood Poison, Scrofula, Salt-Rheum, King's Evil, Rheumatism, Chronic Ulcers, Old Sores, Erysipelas, Eczema—In fact it is a remedy for all kinds of Humors in the Blood," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, for the cure of blood poison, scrofula, rheumatism, erysipelas, and eczema, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain medicinal ingredients or agents effective for the cure of blood poison, scrofula, rheumatism, erysipelas, or eczema. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label of the carton aforesaid, to wit, "Cassidy's 4X For all forms of Blood and Malarial Poison. The only blood medicine which will act on the bowels, thereby removing all impurities from the blood. Cassidy's 4X For Malaria, Liver and Kidney Troubles," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a remedy for malarial poison and malaria, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a remedy for malarial poison or malaria. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label of the bottle aforesaid, to wit, "For Contagious Blood Taint, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all affections of the skin, caused by Impure Blood," were false and fraudulent, in that by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a remedy for contagious blood taint, hereditary blood poisoning, and all affections of the skin caused by impure blood, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a remedy for contagious blood taint, hereditary blood poisoning, or all affections of the skin caused by impure blood. Misbranding was alleged for the further reason that the further statement regarding the therapeutic or curative effect thereof, included in the circular or pamphlet aforesaid, to wit, "Syphilis. * * * But if through unwise treatment in the first and second stages the disease has manifested itself in the Tertiary form, the use of Cassidy's 4X becomes more needful, and it is then that its finest results may be expected. In this stage the poison has become deep seated and nothing but a true Remedy can ever hope to reach it. We have this in Cassidy's 4X, and are able to guarantee satisfaction in this most obstinate, as well as loathsome, disease," was false and fraudulent in that it was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds

of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment and cure of syphilis in its tertiary state, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain any ingredients or medicinal agents effective for the cure of syphilis in its tertiary stage or in any stage of said disease.

On April 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3967. Adulteration of eggs. U. S. * * * v. 35 Cases * * * of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5930. I. S. Nos. 1002-k, 1003-k, 1004-k, 1005-k. S. No. E-107.)

On September 12, 1914, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the product had been shipped on September 3 and 4, 1914, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "National Tanners Supply Co., Buffalo N. Y. For Manufacturing Purposes."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed substance, which said filthy, decomposed substance rendered said eggs unfit for human food.

On March 9, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3968. Misbranding of "Peerless Dairy Ration." U. S. * * * v. Clover Leaf Milling Co., a corporation. Plea of guilty. Fine, \$20. (F. & D. No. 5941. I. S. No. 8010-e.)

On March 3, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Clover Leaf Milling Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 8, 1913, from the State of New York into the State of Vermont, of a quantity of so-called "Peerless Dairy Ration" which was misbranded. The product was labeled: (On sack) "100 lbs. Peerless Dairy Ration, Manufactured by Clover Leaf Milling Co., Buffalo, N. Y. Made of gluten feed, distiller's grains, wheat bran, cotton seed meal, molasses and a small percentage of salt Guaranteed analysis: Protein 21 to 23%, Fat 7 to 9%, Fiber 9% Clover Leaf Milling Co., Buffalo, N. Y.'"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	16.09
Ether extract (per cent).....	2.94
Protein (per cent).....	16.53
Crude fiber (per cent).....	8.77

Misbranding of the product was alleged in the information for the reason that the following statements, "Protein 21 to 23%, Fat 7 to 9%," appearing on the label aforesaid, were false and misleading, in that they indicated to the purchaser thereof that the article contained 21 to 23 per cent of protein, and 7 to 9 per cent of fat, when, in truth and in fact, the said article contained a less amount of protein and fat, to wit, 16.53 per cent of protein and 2.94 per cent of fat.

Misbranding was alleged for the further reason that the article was labeled "Protein 21 to 23%, Fat 7 to 9%," so as to deceive and mislead the purchaser into the belief that it contained 21 to 23 per cent of protein and 7 to 9 per cent of fat, when, in fact, it contained a less amount of protein and fat, to wit, 16.53 per cent of protein and 2.94 per cent of fat.

On April 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3969. Misbranding of "Dr. Porter's Antiseptic Healing Oil." U. S. v. The Paris Medicine Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5954. I. S. No. 2877-e.)

On December 2, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Paris Medicine Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 28, 1913, from the State of Missouri into the State of California, of a quantity of "Dr. Porter's Antiseptic Healing Oil," which was misbranded. The product was labeled: (On bottle) "Dr. Porter's Antiseptic Healing Oil Guaranteed by Paris Medicine Company under the Food and Drugs Act, June 30, 1906. No. 993. Not a liniment—an antiseptic surgical dressing. It subdues pain and hastens healing in a remarkable manner. Applicable for cuts, burns, bruises, boils, itch, eczema, erysipelas, piles, stings and bites of insects. All wounds and sores, either acute or chronic, of the mucous membrane or skin. Good for man and beast—Price \$1.00. Manufactured by Paris Medicine Co., St. Louis, Mo., U. S. A., Dep., London, Eng. Directions. Saturate a piece of soft cloth or cotton with the Oil and apply to the wound or sore. In severe cases, apply the oil three or four times a day. When first applied to burns or cuts, it will produce a slight stinging sensation, which soon passes off. Heals and relieves pain at the same time. An excellent remedy for chapped hands and lips. For corns, bunions, and sore feet. Horse farriers and liverymen will find this oil an excellent remedy for scratches, cracked heel, halter burn, old sores, cellar and saddle galls, barbed wire cuts and dog mange." (On carton) "An excellent remedy for Burns. Dr. Porter's Antiseptic Healing Oil Discovered by a surgeon of the Louisville & Nashville Railroad A most excellent remedy for man and beast. Relieves pain and heals at the same time. Price \$1.00 Manufactured by Paris Medicine Co. St. Louis, Mo., U. S. A. Dep., London, Eng. Guaranteed by the Paris Medicine Co. under the Food and Drugs Act, June 30, 1906. No. 993. An excellent remedy for cuts, sores, old chronic ulcers, corns, bunions, frost bite, sunburn, stings, bites, rash, prickly heat, hives, or all hurts and affections of the skin and mucous membrane. An excellent remedy for bruises, wounds, eczema, itch, scrofula, scald head, boils, earache, erysipelas, sore throat, catarrh, toothache, granulated eyelids, inflammation, or all hurts and affections of the skin and mucous membrane. Heals cuts on man and beast. Horse farriers and liverymen will find this an excellent remedy for cuts, wounds, sores, scratches, cracked heel, halter burns, saddle and collar galls, scalds, warts and vermin on cattle, sheep and poultry, mange on dogs, or wounds and external affections of animals." The printed circular accompanying the product contained, among other things, the following: "Not only is the use of an Antiseptic necessary for the relief of the Throat Trouble, but, as many people know, disease germs are most frequently taken into the system through the mouth. This infection or entry of germs often results when there is even a slight irritation of the Throat, and the use of Dr. Porter's Antiseptic Healing Oil is a wise precaution against serious infectious diseases, such as Whooping Cough, Diphtheria and Tuberculosis." "Tumors and Cancerous Growths are growths of diseased tissues, and if taken in time and treated with Dr. Porter's Antiseptic Healing Oil, they can be removed, and often most serious cases averted."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was essentially a solution of camphor and carbolic acid in cottonseed oil.

Misbranding of the product was alleged in the information for the reason that the following statement regarding the therapeutic and curative effect thereof, appearing on the label of the carton aforesaid, to wit, "An excellent remedy for cuts, sores, old chronic ulcers, corns, bunions, frost bites, sunburn, stings, bites, rash, prickly heat, hives, or all hurts and affections of the skin and mucous membrane," was false and

fraudulent in that the same was applied to said article of drugs knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, for the remedy of affections of the skin and mucous membrane, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective for the remedy of all affections of the skin and mucous membrane. Misbranding was alleged for the further reason that the following further statement regarding the therapeutic or curative effects thereof, appearing on the printed circular aforesaid, to wit, "Not only is the use of an Antiseptic necessary for the relief of the Throat Trouble, but, as many people know, disease germs are most frequently taken into the system through the mouth. This infection or entry of germs often results when there is even a slight irritation of the Throat, and the use of Dr. Porter's Antiseptic Healing Oil is a wise precaution against serious infectious diseases, such as Whooping Cough, Diphtheria, and Tuberculosis", was false and fraudulent in that by means of the circular aforesaid it was applied to said article in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, and contained ingredients or medicinal agents effective for the prevention of whooping cough, diphtheria, and tuberculosis when, in truth and fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective for the prevention of whooping cough, diphtheria and tuberculosis. Misbranding was alleged for the further reason that the following statement regarding the therapeutic and curative effects thereof, appearing in the circular aforesaid, to wit, "Tumors and Cancerous Growths are growths of diseased tissues, and if taken in time and treated with Dr. Porter's Antiseptic Healing Oil they can be removed, and often most serious cases averted", was false and fraudulent in that the same was applied to said article of drugs knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was effective for the prevention and removal of tumors and cancerous growths, when, in truth and in fact, it was not effective for the prevention and removal of tumors and cancerous growths.

On May 7, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3970. Misbranding of so-called soluble coffee. U. S. v. C. F. Blanke Tea & Coffee Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5962. I. S. No. 2304-h.)

On April 16, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the C. F. Blanke Tea & Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 22, 1913, from the State of Missouri into the State of New York, of a quantity of so-called soluble coffee which was misbranded. The product was labeled: (On retail can) "Fairy Cup Instant Soluble Coffee Ready to Serve Granger & Company Distributors Buffalo, New York Serial No. 2409 300 Grains or Over 'Fairy Cup' Soluble Coffee does away * * * Directions: This can will make from 30 to 40 cups of coffee. * * * In our process of manufacturing soluble coffee, nearly all the caffein and tannic acid is discarded, consequently taking out the sting and making it more wholesome and harmless for people who are distressed when drinking regular made coffee. Try a can. You will like it." (Sticker on lid of can) "Keep can closed." (Pasted on bottom of can) "Important The Soluble Tea and Coffee is very strong, a little too much or too little will spoil your results. If you use it right you will like it. See Directions."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Caffein (Hilger & Fricke method) (per cent).....	4.48
Caffetannic acid (Krug method) (per cent).....	45.48

By the term "Caffetannic acid," as used above, is meant the tannic acid referred to on the label of this product. Little or none of the caffein or caffetannic acid has been discarded in this product.

Misbranding of the product was alleged in the information for the reason that the statement, to wit, "In our process of manufacturing soluble coffee, nearly all the caffein and tannic acid is discarded, consequently taking out the sting and making it more wholesome and harmless for people who are distressed when drinking regular made coffee," was false and misleading in that it represented that in the process of manufacture of said article nearly all the caffein and tannic acid had been discarded, thereby rendering the same more wholesome and harmless for people who are distressed when drinking regular made coffee; whereas, in truth and in fact, little or none of the caffein or tannic acid had been discarded in the process of manufacture of said article, and said article was not rendered by any process of manufacture more wholesome and harmless for people who are distressed when drinking regular made coffee. Misbranding was alleged for the further reason that the article was labeled, "In our process of manufacturing soluble coffee, nearly all the caffein and tannic acid is discarded, consequently taking out the sting and making it more wholesome and harmless for people who are distressed when drinking a regular made coffee," so as to deceive and mislead the purchaser into the belief that in the process of manufacture of the said article nearly all the caffein and tannic acid had been discarded, thereby rendering the same more wholesome and harmless for people who are distressed when drinking regular made coffee; whereas, in truth and in fact, little or none of the caffein or tannic acid had been discarded in the process of manufacture of said article, and said article was not rendered by any process of manufacture more wholesome and harmless for people who are distressed when drinking regular made coffee.

On April 20, 1915, the defendant company pleaded guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3971. Misbranding of "Ballard's Horehound Syrup Compound." U. S. v. James F. Ballard.
Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5963. I. S. No. 6142-e.)

On March 13, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James E. Ballard, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 31, 1912, from the State of Missouri into the State of Texas, of a quantity of so-called "Ballard's Horehound Syrup Compound" which was misbranded. The product was labeled: (On large carton) "Serial No. 664. Guaranteed by James F. Ballard under the Food and Drugs Act. June 30th, 1906. One Doz. 50c Size Ballard's Horehound Syrup Compound. Trade Mark Registered For Consumption, Coughs and Colds. James F. Ballard, Sole Proprietor. St. Louis, Mo." (On small carton) "Ballard's Horehound Syrup Compound 9 72/100 Per Cent Alcohol $4\frac{1}{2}$ Minims Chloroform to the Ounce. For Coughs, Colds, Asthma, Dry Hacking Cough, Loss of Voice, Irritation of Throat, Soreness of Chest, Croup, Spitting of Blood, Influenza, Lung Fever, Whooping Cough &c. Directions. One teaspoonful every two to four hours as may be necessary, the last dose upon retiring at night. For Children 6 months old, 8 drops; One year old, 10 to 20 drops; Five years, one half teaspoonful. Prepared by James F. Ballard, Proprietor St. Louis, Mo. Price 50 Cents per Bottle." (On sides) "Ballard's Horehound Syrup Compound is a splendid preparation for ailments of the Lungs and Bronchial Tubes. It is pleasant to the taste, will not nauseate, and usually affords prompt relief. If you have a long standing cough, we recommend this remedy for its excellent soothing and healing properties. It is beneficial also in Hoarseness, Loss of Voice, Tickling in the Throat, Chest Pains, Difficult Breathing. Good for Children and Adults. Always ask for the genuine, and insist upon having it." "Special Notice. Clergymen and public speakers will find this medicine especially valuable in its action upon the Throat and Bronchial Tubes. It exercises a soothing influence that usually relieves the irritation and smarting experienced by singers, public speakers and others who use their voices considerably. It is composed only of wholesome materials of known value in disorders of the Throat and Lungs." (On back) "Ballard's Horehound Syrup Compuesto. 9 72/100 Por Ciento Alcohol $4\frac{1}{2}$ Minimas de Chloroformo A la onca. Para Tos, Resfriados, Asma, Tos Cortante y Seca, Perdida de Voz, Irritacion de La Garganta, Dolencia de Pecho, Tos Ferina, Expectoracion de Sangre, Influenza, Fiebre en Los Pulmones, Tos Convulsiva, Etc. Direcciones. Una cucharadita de cada dos a cuatro horas, segun se necesite; la ultima se tomara al recogerse en lanoche, Para ninos de 6 meses de edad, 8 gotas, de un uno, de 10 a 20 gotas, y de 5 anos media cucharada. Preparado Por James F. Ballard, Proprietario St. Louis, Mo. Precio 50 Centavos Por Botella." (On flap) "Serial No. 664 Guaranteed by James F. Ballard, under the Food and Drugs Act, June 30, 1906. None genuine without my signature James F. Ballard." (On bottle) "Ballard's Horehound Syrup Compound. 9 72/100% Alcohol, $4\frac{1}{2}$ Minims Chloroform to the ounce. For Coughs, Colds, Asthma, Dry Hacking Cough, Loss of Voice, Irritation of Throat, Pains in Chest, Soreness of Chest, Spitting of Blood, Croup, Influenza and Lung Fever, Etc. Directions. One teaspoonful every two to four hours as may be necessary, the last dose upon retiring at night. For children 6 months old, 8 drops; one year old, 10 to 20 drops; 5 years old, half-teaspoonful. Price, 50c Per Bottle. Prepared by James F. Ballard, St. Louis, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)	58.22
Ash (mainly calcium carbonate and potassium carbonate) (per cent) ..	0.12
Sugars (per cent)	54.85
Alcohol (per cent by volume)	8.50

A small amount each of chloroform, tannin, and resins present. Odor and taste indicate horehound. No alkaloids, ammonium salts, iodids, creosote, guaiacol, ipecac, tartar emetic or mercury salts found. The product is a hydroalcoholic sirup containing horehound and small quantity of chloroform.

Misbranding of the article was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label of large carton aforesaid, to wit, "For Consumption, Coughs and Colds," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for the cure of consumption, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the cure of consumption; further, in that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of small carton aforesaid, to wit, "For Coughs, * * * Asthma, Dry Hacking Cough, * * * Irritation of Throat, Soreness of Chest, Croup, Spitting of Blood, Influenza, Lung Fever, Whooping Cough &c.," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents, effective, among other things, for the cure of asthma, croup, spitting of blood, influenza, lung fever and whooping cough, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective, among other things, as a cure for asthma, croup, spitting of blood, lung fever or whooping cough.

On April 23, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3972. Misbranding of "Dr. Shoop's Night Cure," "Dr. Shoop's Cough Remedy," and "Dr. Shoop's Restorative." U. S. * * * v. Dr. Shoop's Laboratories, a corporation. Plea of guilty. Fine, \$150. (F. & D. No. 5968. I. S. Nos. 8308-e, 9601-e, 10917-e.)

On March 15, 1915, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. Shoop's Laboratories, a corporation, Racine, Wis., alleging shipment by said corporation, in violation of the Food and Drugs Act, as amended:

(1) On or about November 25, 1912, from the State of Wisconsin into the State of Ohio, of a quantity of "Dr. Shoop's Night Cure," which was misbranded. This product was labeled: (On box) "Dr. Shoop's Night Cure Formula of Dr. Shoop, Racine, Wis." (On side) "The 'Night Cure' relieves Ulceration, Inflammation, Leucorrhoea, Painful Ovaries, Falling and Lacerations (wounds) of the Womb, etc. It is Anti-Septic and Anti-Acid. It soothes—it heals. Directions.—First remove paper from each suppository. Before retiring at night use an injection of warm water, throwing it well back to cleanse the uterus of all discharges. Then insert one of the Night Cures, pressing it well back. During the night it will soften by the natural heat of the body, and its effect will reach all diseased or inflamed parts. When improvement begins, the treatment need not be used oftener than two to four times per week. At druggists, or by mail for \$1.00. Dr. Shoop, Racine, Wis." (Statements in foreign languages.) The circular or pamphlet in the packages contained, among other statements, the following: "Dr. Shoop's Night Cure will promptly cure Ulceration, Inflammation or Congestion of the Womb, Leucorrhoea, painful Ovaries, falling of the Womb, irregular or painful Menstruation and all diseases or weakness of women. Will cure lacerated or torn Cervix (due to childbirth), Dropsy of the Uterus. Will prevent and cure Ovarian and other tumors when used early and faithfully, including cancerous conditions."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Zinc carbonate and sulphate, present; boric acid, present; mercury compounds, absent; tannin, absent; lead compounds, absent; suppositories, largely cacao butter.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit, "Dr. Shoop's Night Cure will promptly cure Ulceration, Inflammation or Congestion of the Womb, Leucorrhoea, painful Ovaries, falling of the Womb, irregular or painful Menstruation and all diseases or weakness of women. Will cure lacerated or torn Cervix (due to childbirth), Dropsy of the Uterus. Will prevent and cure Ovarian and other tumors when used early and faithfully, including cancerous conditions," were false and fraudulent, in that by means of said circular or pamphlet they were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for inflammation or congestion of the womb, leucorrhoea, painful ovaries, falling of the womb, irregular or painful menstruation and all diseases or weakness of women, and effective as a cure for lacerated or torn cervix due to childbirth, dropsy of the uterus, and effective as a preventive and cure of ovarian and other tumors when used early and faithfully, including cancerous conditions, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for inflammation or congestion of the womb, leucorrhoea, painful ovaries, falling of the womb, irregular or painful menstruation, or all diseases or weakness of women, or effective as a cure for lacerated or torn cervix, due to childbirth, dropsy of the uterus, or effective

as a preventive or cure of ovarian and other tumors, when used in any manner, including cancerous conditions.

(2) On or about February 4, 1913, from the State of Wisconsin into the State of Illinois, of a quantity of "Dr. Shoop's Cough Remedy" which was misbranded. This product was labeled: (On bottle) "Dr. Shoop's Cough Remedy For the Treatment of All Coughs, Arising From Colds, Catarrh, Bronchitis, Whooping Cough, Asthma, and Consumption in its earliest stages. Directions—Children from 1 to 3 years old, 2 to 5 drops; 3 to 5 years, 5 to 10 drops, 5 to 10 years, $\frac{1}{2}$ teaspoonful; over 10 years, a teaspoonful, to be taken 1 to 3 hours apart according to the urgency of the case. Price 25 Cents. Prepared by Dr. C. I. Shoop, Racine, Wis." (Blown in bottle) "Dr. Shoop's Family Medicines. Racine, Wis." (Writing in German on back of bottle.) (On carton) "Dr. Shoop's Cough Remedy For the Treatment of all Coughs Arising From Colds, Catarrh, Bronchitis, Whooping Cough, Asthma, and Consumption in its earliest stages. This remedy positively contains no opium or any other harmful or stupefying drug. It is prepared from strictly harmless plants that I am confident have the greatest possible power to control all Throat and Lung Diseases. Directions:—Children 1 to 3 years old, 2 to 5 drops; 3 to 5 years, 5 to 10 drops; 5 to 10 years, $\frac{1}{2}$ teaspoonful; over 10 years, a teaspoonful. Doses to be taken 1 to 3 hours apart, according to the urgency of the case. Prepared by Dr. C. I. Shoop, Racine, Wisconsin. Price 25 Cents. Opium is a Deadly Drug. Opium will quiet your cough, and if you take enough will quiet you. Nine out of ten cough remedies have contained opium. Why? It quiets the cough. The patients think they are better. So to help sell the medicine the opium is added and the unsuspecting patient is drugged. I will give \$10.00 per drop for every drop of opium or any other quieting drug found in my cough remedy. You never tasted any cough medicine like it before. The chief ingredient of my cough remedy comes from a shrub that grows on the mountains of the South-West. The Spaniards call this shrub 'The Sacred Herb'." (Other writing on carton in foreign languages.) The pamphlet in the packages contained, among other statements, the following: "My first test of this remedy was made right here in Racine. The case was pronounced as consumption—close to its latest stage—a woman other physicians had given up to die. She had coughed for a year and her morning coughing spell completely prostrated her for the day. She was wasted to a skeleton. I have never seen a case that seemed more hopeless. I gave her this shrub extract and in a week she was better. In three weeks her night sweats had ended, and in ten weeks she was cured! This was nearly 20 years ago. She was well and strong years afterward. I wish I could say that this shrub remedy never failed in consumption. I have helped so many consumptives with it that I have come to rely on it. I know that in most cases it performs the utmost that medicine can, and the percentage of successes in all lung cases is so large that it offers every encouragement. I would depend on it confidently if the case were mine. I am confident that in all medical science nothing has ever been found which is more encouraging. Dr. Shoop's Cough Cure acts on the membranes of the throat, lungs, and air passages. It is not alone for coughs, but for all diseases which result from inflammation of these membranes. I recommend it for Bronchitis, Asthma, Whooping Cough and similar ailments."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Nonvolatile matter (per cent), 60.1; sugar (per cent), 57.3; ash (per cent), 0.37; ammonium benzoate (per cent), 0.67; resin, present; white pine tar, indicated; alkaloids, none; alcohol, none; gum, indicated; preparation is a sirup containing ammonium benzoate and probably white pine tar and gum.

Misbranding of this product was alleged in the information for the reason that the following statements, regarding the therapeutic or curative effects thereof, included in the booklet aforesaid, to wit, "My first test of this remedy was * * * case

* * * pronounced as consumption—close to its latest stage—a woman other physicians had given up to die * * * I gave her this shrub extract and * * * in ten weeks she was cured * * * I wish I could say that this shrub remedy never failed in consumption. I have helped so many consumptives with it that I have come to rely on it. I know that in most cases it performs the utmost that medicines can, and the percentage of successes in all lung cases is so large that it offers every encouragement. I would depend on it confidently if the case were mine. * * *” “* * * It is not alone for coughs, but for all diseases which result from inflammation of these membranes. I recommend it for Bronchitis, Asthma, Whooping Cough * * *,” were false and fraudulent in that by means of said booklet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for the cure of consumption, and effective as a remedy for all diseases resulting from inflammation of the membranes of the throat and for asthma and whooping cough, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the cure of consumption, or effective as a remedy for all diseases which result from inflammation of the membranes of the throat, or for asthma or whooping cough.

(3) On or about February 17, 1913, from the State of Wisconsin into the State of Maryland, of a quantity of “Dr. Shoop’s Restorative” which was misbranded. This product was labeled: (On bottle and carton) “Dr. Shoop’s Restorative Contains 10% Alcohol. Those objecting to the necessary 6 drops alcohol in each spoonful should call for this remedy in tablet form—Dr. Shoop’s Restorative Tablets. The Restorative is intended to correct various derangements of the Stomach, Kidneys, Heart and Catarrhal Troubles. Also Dyspepsia, Indigestion, Biliousness, Jaundice, Torpid Liver, Constipation, Kidney Diseases, Diabetes, Bad Breath, Poor Complexion, Impure Blood, and Nervousness in men or women. Directions.—Two teaspoonfuls before meals and at bed-time. When constipation exists use Dr. Shoop’s Lax-ets, a pleasant candy Bowel Laxative. Prepared by Dr. C. I. Shoop, Racine, - Wis. - U. S. A. Price one dollar.” (Label in German on back of bottle) “Dr. Shoop’s Restorative. A new discovery and treatment through the sympathetic nerves, for indigestion, dyspepsia and diseases of the blood, stomach, liver, and kidneys.” “Cures biliousness, yellow jaundice, and all diseases which have their origin in disturbances of the liver and are indicated by a feeling of heaviness and fullness after eating, flatulence, with gas in the intestines, coated tongue, bad taste in the mouth or bad breath, with hiccough, constipation, pains in the back, dizziness or a feeling of weakness and fatigue with loss of appetite, Bright’s disease, frequent urination (Harnfluss) and similar dangerous complaints following the above symptoms. Take in time before it is too late. “Directions: A dessertspoonful before each meal and before retiring. Where there is unusual weakness of the nerves, or constipation, use also my Lax-ets.” “Prepared by Dr. C. I. Shoop, Racine, Wis. Price \$1.00.” The circular or pamphlet in the packages contained, among other statements, the following: (In French, Norwegian, and Swedish) “Dr. Shoop’s Restorative, a new discovery and treatment, acting on the sympathetic nerves, for the cure of indigestion, dyspepsia, and all diseases of the stomach, liver, kidneys and blood. Cures * * * Bright’s disease, diabetes * * *”.

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Alcohol (per cent by volume), 10.0; solids (per cent), 26.9; benzoic acid (per cent), 0.15; berberin, hydrastin, and sugar, present; ash (per cent), 0.38; ash contains iron, sodium, potassium, chlorids, sulphates, and phosphates; plant extractive matter indicated.

Misbranding of this product was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit (from translation of German label on bottle), "Cures * * * Bright's disease * * *," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the cure of Bright's disease, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of Bright's disease.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit (translation from French, Norwegian, and Swedish), "Dr. Shoop's Restorative * * * for the cure of all diseases of the stomach, liver, kidneys, and blood." "Cures * * * Bright's disease, diabetes * * *," were false and fraudulent in that, by means of said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole and in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for the cure of all diseases of the stomach, liver, kidneys, and blood, and of Bright's disease and diabetes, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the cure of all diseases of the stomach, liver, kidneys, or blood, or of Bright's disease or of diabetes.

Misbranding of the product was alleged for the further reason that the package of the article bore other statements regarding the therapeutic or curative effects thereof, to wit, "The little child * * * who was suffering with Gastritis, is well. The Restorative has * * * made a perfect cure. Your medicine has almost worked a miracle in this instance * * *," said statements being incorporated in a booklet which was inclosed in the packages, labeled and branded as aforesaid, in manner and form as follows, to wit, "Dr. Shoop. The little child I wrote you about some time ago, and who was suffering with Gastritis, is well. The Restorative has been given according to directions, and I am glad to report that it has made a perfect cure. Your medicine has almost worked a miracle in this instance, as the child can eat anything without any trouble whatever, and one can almost see it growing, getting fatter and rounder, and your medicine has the praise for it.—J. C. Barnes, Leemont, Va.," which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents, effective as a cure for gastritis, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a cure for gastritis.

On April 19, 1915, the defendant corporation entered a plea of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3973. Misbranding of "Rheumacide." U. S. v. 16 Dozen Retail Packages of * * * "Rheumacide." Tried to the court and a jury. Finding in favor of the Government. Product ordered destroyed. (F. & D. No. 5972. I. S. No. 119-k. S. No. E-124.)

On October 5, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 dozen retail packages of a product known as "Rheumacide," remaining unsold in the original unbroken packages at Columbia, S. C., alleging that the product had been shipped on March 7, 1914, and transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Rheumacide B. Co. Trade Mark. Registered. Contains Five percent of Alcohol. Bobbitt Chemical Company, Sole Proprietors, Baltimore, Md. U. S. A. The Great Blood Purifier. For Rheumatism. Also a remedy for all other diseases arising from impurities of the blood. Directions, Adults one to two teaspoonfuls in a little water, after meals and at bed time. Shake the bottle. Guaranteed under the Food and Drugs Act, June 30, 1907. Serial No. 258." The cartons were labeled: "The Great Blood Purifier" "The Remedy for Indigestion. * * * Liver and Kidney troubles, Catarrh and all other diseases arising from impurities of the blood. As a general blood purifier we highly recommend Rheumacide. If you have Catarrh, Hay fever, Kidney disease, * * * Carbuncles, Skin disease or any trouble arising from impure blood give Rheumacide a thorough trial. By purifying the blood, Rheumacide Neutralizes the Acids, Starts the Kidneys into healthy action * * * Rheumacide is recommended to purify the blood * * *." The bottles were labeled: "The Great Blood Purifier, Also a remedy for all other diseases arising from impurities of the blood." In the circular accompanying the bottles appeared the following: "Rheumacide for * * * all blood diseases, For contagious blood poison * * * Carbuncles, Liver Troubles, Kidney Diseases. Rheumacide is pronounced a most powerful blood purifier * * * Stimulates the Liver and Kidneys with healthy and efficient action."

Misbranding of the product was alleged in the libel for the reason that said medicine or product known as "Rheumacide" * * * contained no ingredient or combination of ingredients capable of producing the therapeutic effects which were claimed on the bottles, circulars, and cartons. Misbranding was alleged for the further reason that the said words and figures so declared, marked, blown, and printed in and upon the cartons, bottles, and circulars as aforesaid, were misleading, false, and fraudulent and misbranded regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein within the meaning of the act of Congress approved on the 30th day of June, 1906, as amended by act of Congress approved on the 23d day of August, 1912.

At the January, 1915, term of the court, the case having come on for hearing before the court and a jury, after the submission of evidence the case was given to the jury, and a verdict rendered, finding the product misbranded as charged in the libel. Thereafter on February 3, 1915, judgment of condemnation and forfeiture was entered in accordance with the verdict of the jury, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3974. Adulteration of catsup. U. S. * * * v. National Pickle & Canning Co., a corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5994. I. S. No. 7529-e.)

On January 15, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Pickle & Canning Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 22, 1912, from the State of Missouri into the State of Florida, of a quantity of catsup which was adulterated. The product was labeled: (Main label) "No preservative or color. Blue Point Brand Oyster Cocktail Catsup Spiced and carefully prepared by National Pickle and Canning Co. St. Louis, Mo." (On sticker) "16 ozs. Net." (On neck label) "This catsup is made from ripe tomatoes with vinegar, salt, granulated sugar, pure spices, and contains no added artificial coloring matter or any substance injurious to health. We guarantee under the National Pure Food and Drugs Act, June 30, 1906. N. P. & C. Co." (On metal cap) "Dodson Braun Branch."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Yeasts and spores, 79 per one-sixtieth cubic millimeter; bacteria, 168,000,000 per cubic centimeter; mold filaments in 36 per cent of the microscopic fields; bacterial debris and pieces of decayed tissue present; which indicates a decomposed product.

Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 7, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3975. Misbranding of "Rice's Mother's Joy Salve." U. S. v. 2 Cases * * * of * * *
"Rice's Mother's Joy Salve." Default decree of condemnation, forfeiture, and
destruction. (F. & D. No. 6002. I. S. No. 127-k. S. No. E-133.)

On October 13, 1914, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 9 dozen packages of a product known as "Rice's Mother's Joy Salve," remaining unsold in the original unbroken packages at Spartanburg, S. C., alleging that the product had been shipped on August 28, 1914, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Mother's Joy Rice's Salve, Trade Mark (Design Goose), guaranteed by Goose Grease Co., under Pure Food and Drugs Act June 30, 1906, Greensboro, N. C., for croup, pneumonia, congestion of lungs, catarrh, piles, hay fever, splotches on face, chapped hands, lips, etc. Will not injure the most delicate skin. Directions, For croup, saturate flannel large enough to cover upper part of chest and fasten to garments. For pneumonia rub half box on chest and throat, then take flannel and spread over same. Better results can be obtained by applying hot iron to flannel, 25 cents. For expectant mothers rub the lower part of the abdomen night and morning, it assists nature in gradually expanding all tissues, muscles and tendons and relieves at once that bearing down feeling. It keeps the breast in good condition if you will rub a little on once and a while during pregnancy". On the jar and cartons appeared the following: "For croup, pneumonia, congestion of lungs, catarrh, piles, hay fever, splotches on face, for croup, for pneumonia". In the circulars the following words appeared: "On Thursday the 25th of February, a lady in Greensboro learned that there was a baby lying at the point of death with pneumonia, both lungs, so the doctors said, were congested. The first doctor who attended this baby advised the mother to call another. The other doctor was called in and he examined the baby and told the mother that it was not necessary for him to do anything, as the baby was going to die, and the trained nurse told this lady that she never saw a case of this kind in her life where the baby was so weak that it could not be taken up that it did not die. This lady asked the baby's mother and the trained nurse to let her try 'Mother's Joy' (this is a salve made from pure goose grease, mutton suet, and other healing ingredients), saying she knew of several cases where Mother's Joy had cured pneumonia. They both finally agreed to let her try the salve, and ten minutes from the time the salve was applied on the chest the baby commenced resting better and it went to sleep that night and slept nearly all night. It is now well and healthy, and if it hadn't been for Mother's Joy it certainly would have died." "Mother's Joy for croup and pneumonia never fails." "We will give to any responsible person \$100.00 dollars who will use Mother's Joy as directed by us for every case of pneumonia in their family, if it fails to do the work". "Mother's Joy for pneumonia, congestion of the lungs and croup".

It was alleged in the libel that the article was misbranded in that it was a salve consisting of some fatty material, possibly goose grease and considerable unsaponifiable oily matter, such as petroleum jelly, containing camphor and oil of turpentine as therapeutic agents, and flavored with methyl salicylate, and contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on and in the said packages, cartons, jars, and circulars as aforesaid; and, further, in that the said words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, cartons, jars, and circulars, as aforesaid, were misleading, false, and fraudulent; and said article was misbranded regarding the curative or therapeutic effects thereof, or any of the ingredients or substances contained therein within the meaning of the act of Congress, approved on the 30th day of June, A. D.

1906, as amended by the act of Congress, approved on the 23d day of August, A. D. 1912.

On April 27, 1915, no answer or appearance having been made, and testimony having been taken before a jury and the court, a verdict was returned by the jury finding the article misbranded. Thereupon, on motion of the United States attorney, it was ordered by the court that the article be condemned and that the same be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

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3976. Misbranding of "Milam." U. S. v. 1 Doz. Cases * * * of * * * "Milam." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6003. I. S. No. 124-k. S. No. E-134.)

On or about October 16, 1914, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen cases, each containing 12 retail packages of a product known as "Milam," remaining unsold in the original unbroken packages at Spartanburg, S. C., alleging that the product had been shipped on May 1, 1914, and transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

The wholesale and retail packages were labeled: "Milam Trade Mark M Milam Milam For Blood, Bone and Skin. Contains no Potash, no Calomel or Mercury in Any Form. Contains no Alcohol, no Opium, Morphine, Strychnine, Arsenic or other dangerous ingredient. Guaranteed by Milam Medicine Co., Inc., under Pure Food and Drug Act, June 30, 1906, Serial No. 27272. This remedy, in private practice, has been successfully used since 1864 in the treatment of all diseases arising from Impure, Impoverished or acid blood. 'Is valuable in all run down and depleted conditions, and is recommended for appetite and digestion, wherever there is need of an Alterative Tonic. Shake well Before Using. Manufactured only by The Milam Medicine Co., Inc., Danville, Va. Guaranteed. This is the only remedy of its kind which is sold under the absolute guarantee 'money back if not benefitted'. We do not want any money we do not earn and we can afford this offer, because we know what Milam will do. Requirements. In order to avoid imposition, we require that you be known to the druggist or dealer from whom you purchase. This, we think, is but reasonable. Then, in order to know that the remedy has been given a fair trial, we require you to mail us the Guarantee slip which is around every bottle, so that we may keep a record of your case, the number of bottles taken and the effect. You can ask for advice at any time which will be furnished you by our medical department. We guarantee three bottles as a tonic, but in Blood Diseases, Rheumatism, Uric Acid Troubles, Etc., we do not guarantee less than six bottles. You can buy them one at a time, or Six bottles for \$5.00. If you buy six at once, mail us the guarantee slip from each bottle as you begin taking it, not all at once. No guarantee unless the slip is mailed us. Address The Milam Medicine Co., Inc., Dept. G. Danville, Va. Milam is not a patent medicine, but is a proprietary remedy, made from a formula which has been successfully used since 1864 in the treatment of Rheumatism, Eczema, Chronic Sores, Catarrh, Poison Oak or Ivy, Itch, Ringworm, Tetters, Boils, Carbuncles, Pimples, Anæmia or Impoverished Blood, Caries or Ulceration and decay of the bone, Uric Acid and Contagious Blood Poison. Directions: Take one teaspoonful in wineglass^{ful} of water three times a day before or after meals. (Four teaspoonful make one Tablespoonful.) Use no mercury or potash in any form while taking this remedy. Eat what you like, but avoid the use of sweet milk. Buttermilk may be freely used and a little cream may be taken in tea or coffee. Do not use spirituous or malt liquors while taking Milam, as they retard and often entirely destroy the benefit from the remedy. No clogging of the liver can be permitted while taking Milam, and if constipation should occur, a vegetable liver pill should be used. Absolutely no harm can result from the use of Milam. If any unusual condition of the stomach or liver should cause discomfort from its use, it will only be temporary. If your case should present any unusual symptoms, write us, and we will furnish you advice from our medical department. In severe cases of blood disease, after the patient is apparently cured, several more bottles should be taken to eradicate all of the poisons". On cartons and bottle labels the following words appeared: "For Blood, Bone and Skin" "In severe cases of blood disease, after the patient is apparently cured, several more bottles should be taken to eradicate all the poison, * * * sold under the absolute guarantee 'money

back if not benefitted', * * * we can afford this offer because we know what Milam will do. * * * we guarantee three bottles as a tonic, but in Blood Diseases, Rheumatism, Uric Acid Troubles, etc., we do not guarantee less than six bottles." On the cartons the following words appeared: "The guaranteed remedy for Rheumatism, Gout and other Uric Acid Conditions. Eczema, Scrofula, and all skin diseases, Boils, Carbuncles, Chronic Sores, Blood Poison, Anæmia or Impoverished Blood, Certain forms of failing vision, Poison Oak and Ivy, Loss of Appetite and all Run Down conditions." On bottle labels the following words appeared: "* * * made from a formula which has been successfully used since 1864 in the treatment of Rheumatism, Eczema, Chronic Sores, Catarrh, Poison Oak or Ivy, Itch, Ringworm, Tetter, Boils, Carbuncles, Pimples, Anæmia or Impoverished Blood, Caries or Ulceration and Decay of the Bone, Uric Acid and Contagious Blood Poison." In the circulars the following words appeared: "Rheumatism. * * * Milam goes from the stomach right into the circulation, removing first the acid and soured condition of the stomach and then the poisonous acid from the blood. * * * The remedy is valuable in Muscular, Articular and Inflammatory Rheumatism, Sciatica and Gout". "Chronic Sores. Chronic Sores, Ulcers, etc., which refuse to heal, are always caused by some bad blood poison, infection or impurity. If the blood is in a bad condition, a scratch or abrasion often develops into an angry sore which gets worse and worse until it becomes an ulcer. One recent case is remarkable because of the desperate condition of the patient, the fact that he was abandoned by the doctors to die, and the exceedingly short time in which he recovered after taking Milam". "Erysipelas. One of the Best Known Men in this City Cured". "Incipient Tuberculosis. We do not set forth Milam as a cure for consumption, but it has proven so beneficial to such patients that we believe, and are supported in our belief by a practicing physician, that Milam will arrest incipient tuberculosis or consumption at its early stages. We know that it greatly benefits even those in the advanced stages." "Consumption. Being a sufferer of the dread disease consumption for several years I was advised by a friend to take Milam. After taking it for several months, I am pleased to state that I am much improved in every way."

It was alleged in the libel that the article was misbranded in that it * * * contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed upon and in the said packages, cartons, bottles, labels and circulars, as aforesaid; further, in that the words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, cartons, bottles, labels and circulars as aforesaid were misleading, false and fraudulent, and said article was misbranded regarding the curative or therapeutic effects thereof or any of the ingredients or substances contained therein within the meaning of the act of Congress, approved on the 30th day of June, A. D. 1906, as amended by the act of Congress, approved on the 23d day of August, A. D. 1912.

On April 27, 1915, no answer or appearance having been made and testimony having been taken before a jury and the court, a verdict was returned by the jury finding the article misbranded. On motion of the United States attorney it was thereupon ordered by the court that the article should be condemned, and that the same should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3977. Misbranding of "Old Jim Fields Phosphate Dill and Gin." U. S. v. Henry Allenberg and Joseph Meister (Allenberg & Meister). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 6029. I. S. No. 4574-e.)

On January 16, 1915, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry Allenberg and Joseph Meister, trading under the firm name of Allenberg & Meister, Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 21, 1913, from the State of Tennessee into the State of Arkansas, of a quantity of "Old Jim Fields Phosphate Dill and Gin," so called, which was misbranded. The product was labeled: (On bottle) "Old Jim Fields Phosphate Dill and Gin Mankind's Greatest Friend A Sure Cure For Bladder and Kidney Trouble It is also a Great Aid in Case of Urinary Trouble. Allenberg & Meister Sole Agents Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	41.20
Reaction very faintly acid.	
No odor of dill recognized.	
Solids by evaporation (grams per 100 cc).....	0.0008
Total phosphate: No precipitate from 100 cc. Yellow color by ammonium molybdate solution. These results show that the product contains no material amount of either dill or phosphate.	

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, "Mankind's Greatest Friend A Sure Cure For Bladder and Kidney Trouble," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a sure cure for bladder and kidney trouble, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a cure for bladder and kidney trouble.

Misbranding was alleged for the further reason that the following statement, appearing on the label aforesaid, to wit, "Old Jim Fields Phosphate Dill and Gin," was false and misleading, in that it indicated to the purchasers thereof that said article of drugs contained substantial amounts of phosphate, dill, and gin, when, in truth and in fact, it did not contain substantial amounts of phosphate and dill, but contained little, if any, phosphate and dill.

Misbranding was alleged for the further reason that the article contained 41.20 per cent of alcohol by volume, and the package failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

On April 12, 1915, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.

3978. Misbranding of "Stuart's Buchu and Juniper Compound." U. S. v. 2 Cases * * * of * * * "Stuart's Buchu and Juniper Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6030. I. S. No. 129-k. S. No. E-143.)

On October 29, 1914, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 24 bottles of "Stuart's Buchu and Juniper Compound," remaining unsold in the original unbroken packages at Spartanburg, S. C., alleging that the product had been shipped on April 17, 1914, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Some of the retail packages were labeled: "Stuart's Buchu and Juniper Compound Alcohol 16% Prepared by Stuart Manufacturing Co., Atlanta, Ga. Kidney and Liver Remedy and Invigorating Cordial Trade Mark Guaranteed under the Pure Food and Drug Act of June 30, 1906. Serial No. 4570. Relieves Inflammation of the Kidneys, Brick Dust Deposit, Catarrh of the Bladder, Diabetes, Dropsy, Gravel, Headache, Dyspepsia, Incontinence of Urine, Pain in the Back and Side, Loss of Appetite, General Debility, Neuralgia, Sleeplessness, Rheumatism, Nervousness. An Infallible Remedy for all Diseases of the Urinary Organs in Either Sex. Adults Dose—One or two tablespoonfuls in same amount of sweetened water just before or just after meals and at bed time. For Children—One to two teaspoonsful according to age." Other retail packages were labeled: "Stuart's Buchu and Juniper Compound 16% Prepared by Stuart Manufacturing Company, Atlanta, Ga. Kidney and Liver Remedy Invigorating Cordial. Trade Mark No. 4570. Guaranteed by John B. Daniel, Atlanta, Ga. under the Pure Food and Drugs Act of June 30, 1906. This Remedy is recommended for Acute and Chronic Diseases of the Kidneys, Liver, Bladder, Urinary Organs, Kidney Complaint and Uric Acid Troubles, which often lead to Bright's Disease. Adult Dose—One to two tablespoonful in same amount of sweetened water just before or just after meals and at bedtime. For children—One to two teaspoonsful according to age." On some of the bottle labels the following appeared: "Kidney and Liver Remedy. This Remedy is recommended for acute and chronic diseases of the kidneys, liver, bladder, urinary organs, kidney complaint and uric acid troubles, which often lead to Bright's Disease." On other bottle labels the following appeared: "Relieves Inflammation of the Kidneys, Brick Dust Deposit, Catarrh of the Bladder, Diabetes, Dropsy, Gravel, Headache, Dyspepsia, Incontinence of Urine, Pain in the Back and Side, Loss of Appetite, General Debility, Neuralgia, Sleeplessness, Rheumatism, Nervousness. An Infallible Remedy for all diseases of the Urinary Organs in either sex." On cartons: "For the Following Troubles. Incontinence or non-retention of urine; inflammation or ulceration of the bladder, kidneys and urinary glands; diseases of the prostate glands, stone in the bladder, calculus; mucous or milky discharges, and all diseases or affections of the bladder, kidneys and urinary organs in men, women and children; also dropsy, dropsical swellings, weakness arising from excesses, habits of dissipation, early indiscretion or abuse, attended with the following symptoms: Indisposition to exertion, loss of power, loss of memory, difficulty of breathing, weak nerves, trembling, horror of disease, dimness of vision, wastefulness, pain in the back, loins or kidneys, hot hands, flushing of the cheek, dryness of the skin, pallid countenance, etc." "Kidney and Liver Remedy." "For inflammation of the Kidneys, Catarrh of the Bladder, Diabetes, Dropsy, Gravel, Headache, Incontinence of the Urine, Pain in the Back and Side, Neuralgia, Sleeplessness, Rheumatism, and for all diseases of the Urinary Organs in either sex." On circular or leaflet: "We always advise you to take at least 6 bottles so as to be sure to rid your kidneys and bladder of all impurities. For Diabetes you should take more as it takes time to make a complete cure. Be patient and persistent in the use of Stuart's Buchu and Juniper Compound and you will be surprised at the happy results that

follow its use." " * * * the presence of the Bright's disease is known by many of the following symptoms: Headache, nervousness, thirst, hot and dry skin, shortness of breath on making exertion, chilly sensations at times, evil forebodings, restless or uneasy feelings, troubled sleep, puffiness of the eyelids, swelling of the feet and ankles, loss of flesh, the urine is strong and colored with deposits of casts, etc., and cloudiness as the disease advances, and in the last stages there are chills, vomiting and convulsions. For all the above symptoms we advise the use of Buchu and Juniper Compound because of its direct action upon the diseased kidneys. It helps restore the kidneys to their healthy action and thus stops the loss of the albumen and fibrin of the blood. Stuart's Buchu and Juniper Compound should be used at once upon any suspicion of Bright's disease, and its use continued until perfect health is restored. Kidney disease and Congestion of the Kidneys, etc. Other forms of kidney disease, congestions and inflammations result from exposure and improper habits, or they follow various diseases such as scarlet fever, diphtheria and malaria, that disturb the proper action of the kidneys so as to prevent them from casting out the impurities through the urine. The following symptoms are observed in such cases: The urine shows decided brick dust deposits and stringy mucous. It is scanty and high colored or pale and of a very disagreeable odor. There is much lassitude and general weakness, a fickle appetite, sleeplessness, pains in the back and loins, irregularity of the bowels, disordered appetite, and in some cases an acute pain in the region of the kidneys. Stuart's Buchu and Juniper Compound is advised for all of the above symptoms. By its correct action on the bladder Stuart's Buchu and Juniper Compound helps drain the impurities out through the urine, and in this way a perfect cure is made. Catarrh of the Bladder, Cystitis, etc. These diseases naturally follow where any disorder of the kidney changes the nature and quality of the urine. This diseased urine accumulates in the bladder and causes acute or chronic inflammation (cystitis), ulcerations or catarrh of the bladder and urinary tract. Therefore this condition cannot be cured until the source of the disease is removed. Take Stuart's Buchu and Juniper Compound for above trouble. It helps to bring the kidneys back to their normal action, so that the urine is healthy and is no longer a cause of irritation. Gravel, stone in the bladder, etc. When the uric acid and urea are not regularly expelled from the system by the kidneys the accumulation often takes the form of crystals or small masses of solid substances. These substances cause intense pain in passing from the kidneys down the ureters into the bladder. At the same time they wound and injure the delicate lining membranes of the kidneys and ureters, causing inflammation and ulceration. This condition of salt-like or lime-like formation in the kidneys or bladder is known as gravel, and the larger masses or calculi as stone in the bladder. The symptoms are—burning sensation in passing urine, frequent desire to urinate, the urine is thick and sedimentary, the whole nervous system is disordered, there seems to be a general breaking down of the constitution, the digestion is impaired, the sleep disturbed, and emaciation, loss of strength and vigor are evident. For the above symptoms we advise a continued use of Stuart's Buchu and Juniper Compound. It helps wonderfully in dissolving and carrying out of the system the uric acid and urea, which are the immediate causes of the disease. At the same time Stuart's Buchu and Juniper Compound helps heal the wounded and also ulcerated surfaces which have been injured by the presence of the solid crystals of uric acid, etc., so that in a short time the natural operations of the kidneys and urinary organs are carried on healthy and without suffering. Diabetes. In this disease the secretion of urine is very abundant, it is of a high color and low specific gravity, it usually contains sugar, there is much loss of flesh, a tendency to formation of tumors, boils, carbuncles, etc., the patient suffers from much headache and nearly constant thirst, with marked loss of strength and vigor. Stuart's Buchu and Juniper Compound is advised for Diabetes in every form, and should be used promptly and at the earliest possible stage of this most insidious disease. It is advisable to keep on taking Stuart's Buchu and Juniper Compound."

It was alleged in the libel that the article was misbranded in that * * * the words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, bottles, cartons, circulars, and leaflets, as aforesaid, were misleading, false, and fraudulent; and, further, that the said article was misbranded regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein within the meaning of the act of Congress approved on the 30th day of June, A. D. 1906, as amended by the act of Congress approved on the 23d day of August, A. D. 1912.

On April 27, 1915, no claim or appearance having been made and testimony having been taken before the court and a jury, a verdict was returned by the jury finding that the article was misbranded.

On motion of the United States attorney it was thereupon ordered by the court that the article should be condemned, and that it should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3979. Misbranding of "Ozomulsion." U. S. v. The T. A. Slocum Co. Plea of guilty. Fine, \$80. (F. & D. No. 6045. I. S. Nos. 4407-e, 5606-e.)

On April 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district 2 informations against the T. A. Slocum Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on October 2, 1912, from the State of New York into the State of Tennessee, and on November 8, 1912, from the State of New York into the State of Missouri, of 2 consignments of "Ozomulsion," which article was misbranded. The product was labeled: (On front of bottle) "Rich in Cod Liver Oil Norway Gold Medal Ozomulsion No other Emulsion has the Quality For Throat and Lung Trouble, Coughs, Catarrh, Bronchial Affections, La Grippe, Pneumonia, Loss of Voice, and Consumption; also for Scrofula and Blood Disorders, Malaria, Rheumatism, Nervous and General Debility, Night Sweats, Rickets, Anæmia, and Loss of Flesh. Ozomulsion is the Original and Only Emulsion of pure Ozonized Lofoten Norway Gold Medal Cod Liver Oil, with Hypophosphites of Lime and Soda, and chemically pure Glycerine. Thoroughly Emulsified without saponification. It increases the appetite and aids nature in producing rich blood and strength. A Valuable Food. Ozomulsion is a Flesh-Forming Food Tonic for thin women, emaciated men, worn-out mothers and thin children. By its faithful use, all may receive new strength, vitality, vim and vigor, and become sturdy, healthy, plump, and pure-blooded. Directions—One Tablespoonful after meals and at bed time. Children, proportionate dose, according to age. It may be taken in milk, water or wine well stirred. Shake well. Guaranteed by Ozomulsion Co. of New York and London under the Food and Drugs Act, June 30, 1906. Guaranty No. 332. Shake Well Keep Cool. Ozomulsion Trade Mark Prepared by Ozomulsion Co. New York, London-Paris Branches: Mexico. Habana. Santiago. Lima. Buenos Ayres. Rio Janeiro. Madrid. (Foregoing paragraph encircled by a large O) Trade Mark Made in America and Europe." (Blown in bottle): "Ozomulsion." (On front of carton) "Rich In Cod Liver Oil Norway Gold Medal Ozomulsion Contains Over 8 Ounces No Other Emulsion Has The Quality. Ozomulsion Is A Scientific Pharmaceutical Combination of the Purest Lofoten Norway Gold Medal Cod Liver Oil, Hypophosphites of Lime and Soda and Chemically Pure Glycerine, All Thoroughly Emulsified, Ozonized, and Prepared Under The Supervision of Expert Chemists and Physicians in Accordance with our Original Process, Known Only to and Discovered by Ozomulsion Co. of London and New York. Forming the Very Best and Strongest Vitalized and Ozonized Emulsion Tonic Food Known to Medical Science. Guaranteed by Ozomulsion Co. of New York and London Under Food and Drugs Act, June 30, 1906 Guarantee No. 332. Ozomulsion Trade Mark Prepared by Ozomulsion Co. New York, London-Paris. Branches: Mexico. Habana. Santiago. Lima. Buenos Ayres. Rio Janeiro. Madrid. (Foregoing paragraph enclosed in a large O) No Other Cod Liver Oil Emulsion Bottle Contains So Great A Quantity Made in America and Europe" (On back of carton in Spanish) Translation: "Ozomulsion is a new emulsion of Pure Lofoten cod liver oil combined with chemically pure glycerine and hypophosphites of lime and soda. Cures permanently affections of the throat, chest and lungs, tuberculosis, consumption, phthisis, catarrh, cough, whooping cough, colds, bronchitis, asthma, grippe, pneumonia, and all kinds of lung diseases. Also scrofula, skin diseases, neuralgia, rheumatism, disorders of the blood, St. Vitus dance, epilepsy, nervous debility and immoderate physical exhaustion, fever, loss of sleep, night sweats, malaria, rachitis, or softening of the bones in children, catarrhal affections of the stomach and intestines, chlorosis, anæmia or poor blood, loss of flesh, and, in general, all kinds of debilitating diseases or those caused by lack of proper nutrition. For convalescents it is a peerless regenerator. A marvelous food-tonic medicine which gives life and produces flesh and strength. * * *

In the booklet accompanying the article appeared, among other things, the following: "The Fatal Pneumonia * * * Treatment—During the winter and spring, after exposure to cold, if any of the above symptoms are manifest, the prompt and continuous use of Ozomulsion will destroy the bacilli before they have begun to multiply, thus preventing the disease. * * * The Lungs and general system are greatly debilitated after Pneumonia, and the condition favors the development of Consumption, if the patient is exposed to the contagion of the *tubercle-bacilli*. For this reason, Ozomulsion is the remedy above all others that should be used to build up the system, repair the lung tissue, and prevent the lodgment of other diseases."

Analysis of a sample of the product contained in one of the shipments by the Bureau of Chemistry of this department showed the following results:

Total solids (per cent).....	56.5
Ash (per cent).....	0.58
Cod liver oil, by Babcock method (per cent).....	35.2
Cod liver oil, by ether extraction (per cent).....	33.4
Glycerin (per cent).....	17.05
Hypophosphites: Present.	
Alkaloids, and iron salts: Absent.	
Peroxids or ozone: Absent.	

Tests indicate that the cod liver oil used had not been ozonized or treated with peroxids.

Analysis of a sample from the other shipment by said Bureau of Chemistry showed the following results:

Specific gravity, at 25° C.....	1.014
Nonvolatile matter, at 100° C. (per cent).....	53.47
Ash (per cent).....	1.09
Cod liver oil, by Babcock method (per cent).....	30.04
Cod liver oil, by ether extraction (per cent).....	28.54
Hypophosphites of calcium and sodium: Indicated.	
Glycerin: Present.	
Ozone or peroxid, alkaloids: None.	

Sample appears to be an emulsion of cod liver oil and glycerin, with the addition of phosphorus compounds of calcium and sodium.

Misbranding of the product was alleged in both informations for the reason that the following statements appearing on the label aforesaid, to wit, (In Spanish on carton) "Ozomulsion * * * Cures permanently * * * tuberculosis, consumption, phthisis * * * whooping cough * * * pneumonia, and all kinds of lung diseases. Also * * * St. Vitus dance, epilepsy, * * * night sweats, malaria * * *", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective for permanently curing tuberculosis, consumption, phthisis, whooping cough, pneumonia, and all kinds of lung diseases, St. Vitus's dance, epilepsy, night sweats, and malaria, when, in truth and in fact, said article was not in whole or in part composed of and did not contain ingredients or medicinal agents effective for curing tuberculosis, consumption, phthisis, whooping cough, pneumonia, and all kinds of lung diseases, St. Vitus's dance, epilepsy, night sweats, and malaria. Misbranding was alleged for the further reason that the following statements appearing in the booklets aforesaid, to wit, "The Fatal Pneumonia * * * the prompt and continuous use of Ozomulsion will destroy the bacilli before they have begun to multiply, thus preventing the disease. * * * The Lungs and

general system are greatly debilitated after Pneumonia, and the condition favors the development of Consumption, if the patient is exposed to the contagion of the tubercle-bacilli. For this reason, Ozomulsion is the remedy above all others that should be used to build up the system, repair the lung tissue, and prevent the lodgment of other diseases", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for curing pneumonia and preventing the development of consumption following pneumonia, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective for curing pneumonia or for preventing the development of consumption following pneumonia, or at any other time.

On April 30, 1915, the defendant corporation entered pleas of guilty to the informations, and the court imposed a fine of \$40 on each information, making an aggregate fine of \$80.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*

3980. Misbranding of "Jones' Break-Up." U. S. v. Jones' Break-Up Co. Plea of non vult. Fine, \$25. (F. & D. No. 6081. I. S. No. 2354-h.)

On December 22, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Jones' Break-Up Co., a corporation, New Egypt, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on April 23, 1913, from the State of New Jersey into the State of Maryland, of a quantity of "Jones' Break-Up," so called, which was misbranded. The product was labeled: (On bottle) "Jones' Break-up (Cut of man breaking his crutches) Trade Mark Registered No. 6737 Contains 12½ per cent Alcohol Guaranteed under the Food and Drug Act June 30, '06 U. S. Serial No. 5019 Positively cures Rheumatism, Sciatica, Gout and Neuralgia Price \$1 per bottle Dose Teaspoonful in winglass water at meal and bed time Jones' Break-Up Co., Inc. New Egypt, N. J." (On carton, front) "Jones' Break-Up (Cut of man breaking his crutches) Trade Mark Registered No. 6737 Positively cures Rheumatism, Sciatica, Neuralgia and Gout For Rheumatism and is far superior to any other Remedy, and is Guaranteed to Cure all Rheumatic Affections. Price, \$1.00 per Bottle. Dose Teaspoonful in a wine glass of water after each meal and at bed time. Guaranteed under the Food and Drugs Act, June 30, 1906. U. S. Serial Number 5019. Manufactured by Jones' Break-Up, Inc., New Egypt, N. J." (Back of carton) "There is nothing better for Kidney Trouble than Jones' Break-Up, as this remedy is strictly a Uric Acid Solvent, doing its work through the Kidneys, just where all Rheumatism originates. This acts directly through the Kidneys, making them active and healthy, hence it is not only a cure for Rheumatism (any form) but one of the best Kidney Remedies on the market." (Side of carton) "In obstinate cases take a teaspoonful every 4 hours in water, for 3 or 4 days; then follow the directions on label. This remedy is not a patent medicine, but a strictly pharmaceutical compound, and put up by a Graduate in Pharmacy." (Other side of carton) "Contains no Opiates or other Narcotics. Has been in use over 20 years. Not experimental."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	10.0
Nonvolatile matter (grams per 100 cc).....	14
Ash (grams per 100 cc).....	3.8
Sodium salicylate (grams per 100 cc).....	10.9
Caffein (grams per 100 cc).....	0.34
Iodids, as potassium iodid (grams per 100 cc).....	0.54
Vegetable extractives: Present.	

Misbranding of the product was alleged in the information, for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Positively cures Rheumatism, Sciatica, Neuralgia and Gout." (On carton) "Positively cures Rheumatism, Sciatica, Neuralgia, and Gout * * * is guaranteed to cure all rheumatic affections" * * *, were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for rheumatism, sciatica, gout, and neuralgia, and all rheumatic affections, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents, effective, among other things, as a cure for rheumatism, sciatica, gout, or neuralgia, or all rheumatic affections.

On April 8, 1915, the defendant company entered a plea of non vult to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 19, 1915.

3981. Adulteration of tomato pulp. U. S. * * * v. 500 cases * * * of tomato pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 6084. I. S. No. 11246-k. S. No. C-116.)

On November 10, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages, at Cincinnati, Ohio, alleging that the product had been shipped in interstate commerce, from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "4 Doz. No. 1 Victory Strained Tomato Trimmings and Tomato Pulp—Packed by John Boyle Co., Baltimore, Md." The cans were labeled: "Victory Brand Tomato Pulp—10 ozs. net.—Made from Tomato Trimmings and Tomatoes For Soup—Always empty contents in a glass or earthen dish as soon as opened—The John Boyle Co., Baltimore, Md., Distributors." In addition to the foregoing labels, some of the cans were labeled as follows: "Guaranteed by the John Boyle Co. under the Food and Drugs Act, June 30, 1906. Serial No. 4378."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On April 17, 1915, the John Boyle Co., Baltimore, Md., having filed its answer admitting the facts set forth in the libel, and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings should be paid by said claimant company.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3982. Adulteration and misbranding of extract orange peel. U. S. v. National Extract Works. Plea of guilty. Fine, \$25. (F. & D. No. 6091. I. S. No. 3508-h.)

On April 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Extract Works, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on May 1, 1913, from the State of New York into the State of New Jersey, of a quantity of extract orange peel which was adulterated and misbranded. The product was labeled: "Extract Orange Peel XX (Concentrated) Artificially Colored Flavor National Extract Works Importers and Manufacturers of Soluble Extracts Essential Oils, Non-Poisonous Colors 70 Warren Street New York, N. Y. (design of medal, with following inscription: 'First Prize Awarded to National Extract Works, New York, Sept. 12, 1897')."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Polarization at 20° C. (°V.).....	+0.3
Orange oil by precipitation: Trace.	
Citral (per cent).....	0.02
Total aldehydes (Chace's method) (per cent).....	0.06

These results show the sample to contain only traces of the flavoring constituents of orange peel, namely, citral and terpenes, and as such is in no sense "concentrated," but an almost worthless imitation.

Adulteration of the product was alleged in the information for the reason that a preparation consisting of a dilute alcoholic solution containing a small amount of extract of orange peel had been substituted, in whole or in part, for concentrated extract of orange peel artificially colored which the said article purported to be. Misbranding was alleged for the reason that the following statement appearing on the label aforesaid, regarding said article and the ingredients and substances contained therein, to wit, "Extract Orange Peel XX (Concentrated) Artificially Colored", was false and misleading in that it indicated to the purchaser thereof that the said article was concentrated extract of orange peel artificially colored, when, in truth and in fact, said article was not concentrated extract of orange peel artificially colored, but was a dilute alcoholic solution containing a small amount of extract of orange peel. Misbranding was alleged for the further reason that the article was labeled, "Extract Orange Peel XX (Concentrated) Artificially Colored," so as to deceive and mislead the purchaser into the belief that the said article was concentrated extract of orange peel artificially colored, when, in truth and in fact, said article was not concentrated extract of orange peel artificially colored, but was a dilute alcoholic solution containing a small amount of extract of orange peel.

On May 13, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 19, 1915.

3983. Adulteration and misbranding of compound catsup. U. S. v. Frederick W. Stute et al. (Stute & Co.). Plea of guilty. Fine, \$20. (F. & D. No. 6128. I. S. No. 8517-e.)

On April 16, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick W. Stute and George Van Ronzelen, copartners, trading under the firm name of Stute & Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 25, 1913, from the State of Missouri into the State of Illinois, of a quantity of so-called compound catsup, which was adulterated and misbranded. The product was labeled: "Compound Catsup Stute & Co. St. Louis, Mo. Preserved with 1-10 of 1 per cent. of Benzoate of Soda."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that a large part of the coloring present was due to a coal-tar dye, Ponceau 3 R, also called Cumidine Red. After removal of dye by transferring to wool, the sample became a dull brownish shade. Tomato color was present, but only in small amount. The presence of 0.23 per cent by weight of sodium benzoate was also indicated. Microscopical examination of the sample of the product by said bureau showed the following results: Yeasts and spores per one-sixtieth cubic millimeter, about 50; bacteria per cubic centimeter, about 250,000,000; and mold filaments in 14 per cent of the microscopic fields; and that said product was excessive in bacteria and contained a considerable amount of cooked starchy material which appears to be corn meal, and also contained an apple product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a decomposed vegetable matter; further, in that a mixture consisting of tomatoes, corn meal, apples, and spices had been substituted wholly for catsup, which the article purported to be; and, further, in that it was artificially colored in a manner to simulate the appearance of genuine catsup and in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Compound Catsup," borne on the label attached to the bottle, was false and misleading in that it purported and represented that the article was catsup, to wit, an article composed of tomatoes and spices, whereas, in truth and in fact, it was not catsup, but was an artificially colored mixture, composed essentially of tomatoes, spices, and other substances not normal ingredients of catsup, to wit, apples and corn meal; further, in that it was offered for sale and sold under the distinctive name of another article, to wit, catsup, whereas, in truth and in fact, it was not catsup, but was an artificially colored mixture composed essentially of tomatoes, spices, and other substances not normal ingredients of catsup, to wit, apples and corn meal; and, further, in that the statement, to wit, "1-10 of 1 per cent. of Benzoate of Soda," borne on the label attached to the bottle containing the article, was false and misleading in that it purported and represented that the article contained one-tenth of 1 per centum of benzoate of soda, whereas, in truth and in fact, it contained a greater amount, to wit, 0.23 per centum of benzoate of soda.

On April 30, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs under each count of the information, making an aggregate fine imposed of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 19, 1915.

3984. Misbranding of "Carswell's Liver-Aid." U. S. v. E. L. Carswell Medicine Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 6134. I. S. No. 7671-h.)

On March 16, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. L. Carswell Medicine Co., a corporation, Americus, Ga., alleging the shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 10, 1914, from the State of Georgia to the State of Alabama, of a quantity of "Carswell's Liver-Aid," so-called, which was misbranded. The product was labeled: (On bottle) "Does the work of Calomel. Carswell's Liver-Aid 20 Per Cent. Alcohol Purely Vegetable, Perfectly Harmless and Pleasant to the taste Does the work of Calomel without the danger of Salivation, Nausea, or Interfering with Your Regular Habits. Relieves Constipation For the cure of all stomach troubles, such as Dyspepsia, Biliousness, Sick Headache, Dizziness, Sour Stomach and all Liver, Kidney and Bladder Trouble. Directions: To cleanse the system thoroughly when bilious or constipated or with headache, colds, fever, etc., take 3 to 5 teaspoonfuls and repeat the dose if necessary. For indigestion, foul stomach, sallow complexion or habitual constipation, jaundice, etc. Take 1 to 2 teaspoonfuls night and morning, for children according to age, strength and condition of bowels. Guaranteed and Manufactured by E. L. Carswell Medicine Co. Americus, Ga. Under the Food and Drugs Act, June 30, 1906. Serial No. 40431 A." (Blown in Bottle) "E. L. Carswell Medicine Co., Americus, Ga." (On carton) "Guaranteed By E. L. Carswell Medicine Co., under the Pure Food and Drug Act of June 30th, 1906. Serial No. 40431 A. Does the work of Calomel Carswell's Liver-Aid Contains 20% Alcohol. A purely vegetable liquid, perfectly harmless and Pleasant To The Taste. The Ideal Medicine For Grown People And Children. Relieves Constipation. Liver-Aid Does the Work of Calomel Without Danger of Salivation, Nausea, Griping or Interfering With Your Regular Habits. Manufactured by E. L. Carswell Medicine Co., Americus, Ga. Price, 50 cents. Guarantee. Your Dealer will sell you a bottle of Liver-Aid under the Positive Guarantee, that if it fails to give you entire satisfaction he will refund you the price you paid for it. Take No Substitute. Nothing so good as Liver-Aid. Signed, E. L. Carswell Medicine Company. Liver-Aid for the Cure of Constipation, Indigestion and All Diseases of the Liver and Kidneys. Liver-Aid is Pleasant to the taste, therefore is the Ideal Tonic for children as well as grown folks. It is the Most Effective Tonic and Builds up the Whole System, Strengthens and Tones the Liver and Kidneys. Aids in Perfect Digestion and Makes Rich Blood. Liver-Aid Is not only the Best Cathartic but a Natural, Effective, Sure Tonic Laxative that can Always Be Depended Upon. It Takes the place of Calomel in its action upon the Liver and Does the Work Far Better, Without any of the Bad Effects of Calomel. Please read every word on this Wrapper. See the Guarantee. E. L. Carswell Medicine Co." (Portion of label in German, French and Spanish on side of carton.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be a hydraalcoholic sirup, containing 18 per cent by volume of alcohol, 33.87 per cent glycerin, 24.38 per cent invert sugar, and a cathartic drug, probably senna.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, (on bottle) "* * * Carswell's Liver-Aid * * * For the cure of * * * all liver, kidney and bladder troubles." (On carton) "* * * Liver-Aid for cure of * * * all diseases of the liver and kidneys * * * Aids in perfect digestion and makes rich blood," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the

purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a cure for all liver, kidney, and bladder troubles and all diseases of the liver and kidneys and effective for making rich blood, when in truth and in fact said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, for the cure of all kidney, liver, or bladder troubles or all diseases of the liver or kidneys or effective in making rich blood.

On May 11, 1915, the defendant company entered a plea of nolo contendere to the information, and on May 13, 1915, the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3985. Misbranding of "Dr. Shoop's Twenty Minute Croup Remedy." U. S. * * * v. Dr. Shoop's Laboratories, a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 6139. I. S. No. 6916-e.)

On April 17, 1915, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Shoop's Laboratories, a corporation, Racine, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 3, 1913, from the State of Wisconsin into the State of Minnesota, of a quantity of "Dr. Shoop's Twenty Minute Croup Remedy," which was misbranded. The product was labeled: (On bottle) "Dr. Shoop's Twenty Minute Croup Remedy Will usually check croup in Twenty Minutes. Mild, but effectual. Will not vomit the child or make it sick, as does the old way of giving emetics. It will prevent Croup, if given where there is fever and symptoms of approaching Croup. Directions. From 1 to 3 years $\frac{1}{2}$ teaspoonful; over 3 years, 1 teaspoonful. Give every 15 minutes at first, then $\frac{1}{2}$ to 2 hours apart. In severe cases wrap the throat with cloths wet with hot water and cover with dry flannel. Change often. 50 Cents. Prepared by Dr. C. I. Shoop, Racine, Wis." (Blown in bottle) "Dr. Shoop's Family Medicines, Racine, Wis." (Directions in other languages on back of bottle.) (On carton) "Dr. Shoop's Twenty Minute Croup Remedy. This Prescription offers an Exclusive Croup Remedy to mothers for their children. Will usually check even desperate cases in 20 minutes. Positively mild, and thoroughly harmless. Can be given to the youngest babe in perfect safety, for it does not make the child vomit or sick as does the old way of giving emetics. To Head Off Croup give Dr. Shoop's Croup Remedy when there is fever or signs of approaching Croup. If Cough follows Croup, use Dr. Shoop's Cough Remedy, which contains no opium, chloroform or other dangerous narcotics. Dr. Shoop's remedies are safe, mild, yet effectual. Prepared by Dr. C. I. Shoop, Racine, Wisconsin. Price 50 Cents." (Writing on other sides of carton in foreign languages.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter (per cent).....	56.7
Ash (per cent).....	0.12
Sugars (per cent).....	44.3
Salicylic acid (per cent).....	0.25
Glycerin, approximately (per cent).....	10.7
Alkaloids, alcohol, metals and ammonium salts, absent.	

Product is a sirup containing glycerin and a small amount of salicylic acid.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Dr. Shoop's Twenty Minute Croup Remedy Will usually check croup in Twenty Minutes. * * * It will prevent Croup, if given where there is fever and symptoms of approaching Croup." (On carton) "Dr. Shoop's Twenty Minute Croup Remedy. This Prescription offers an Exclusive Croup Remedy to mothers for their children. Will usually check even desperate cases in 20 minutes. * * * To Head Off Croup give Dr. Shoop's Croup Remedy when there is fever or signs of approaching Croup," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, for the prevention of and as a remedy for

croup, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, for the prevention of or as a remedy for croup.

On April 19, 1915, the defendant corporation entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3986. Misbranding of "Rogers' Consumptive Cure and Cough Lozenges" and "Rogers' Inhalant." U. S. v. The M. J. Rogers Medical Co., a corporation. Plea of nolo contendere. Fine, \$15. (F. & D. No. 6143. I. S. Nos. 1409-e, 8082-e.)

On March 12, 1915, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. J. Rogers Medical Co., a corporation, Lewiston, Me., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 12, 1913, from the State of Maine into the State of Massachusetts, of quantities of "Rogers' Consumptive Cure and Cough Lozenges," and "Rogers' Inhalant," which were misbranded.

The consumptive cure and cough lozenges were labeled: (On wrapper) "Rogers' Consumptive Cure and Cough Lozenges. Are good for Lung Troubles of all kinds, such as Irritation, Congestion, and Bleeding of the Lungs, Bronchitis, Asthma, Irritation of the Throat, Hoarseness, and Pressure of Breath. For Coughs, new and of long standing, they are unsurpassed. For Whooping Cough they are a ready relief. Public Speakers and Singers will find these very beneficial to take before speaking or singing. Price 25 cents. (Trade Mark—portrait of a man)." (On sides) "Directions: Dissolve slowly in the mouth with the lips closed, one lozenge after each meal, and one on retiring; but in acute and extreme cases, use one every hour, but not enough to nauseate. For Children, one-half a lozenge as above. M. J. Rogers Medical Co., Lewiston, Maine. Box 1142. New size and style of box, adopted October 2, 1893. No. 7609 Guaranteed under the Food and Drugs Act, June 30, 1906. Rogers' Inhalant Is the Greatest Discovery of Modern Medical Science, for the positive cure of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Influenza, Headache, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, Pleurisy, and all diseases leading to Consumption. Price of Inhalant, with Inhaler \$1.00. Sold by all Druggists, or will be sent to any address, express paid, on receipt of price. M. J. Rogers Medical Co., Lewiston, Me."

The circular or pamphlet accompanying this product contained, among other things, the following: "Rogers' Consumptive Cure and Cough Lozenges. A Specific Remedy for Colds, Coughs, Congestion, Catarrh, Asthma, Influenza, Pneumonia, Hoarseness, Croup, Whooping Cough, Loss of Voice, Pressure of Breath, Bronchitis, Bleeding of the Lungs, and all Pulmonary and Bronchial Complaints Leading to Consumption. * * * They can be confidently relied upon as an *infallible cure* for all pulmonary troubles of every description. They have never been known to fail in any case of cough of however long standing. For hemorrhage of the lungs, so often pronounced incurable by eminent physicians, they have never been unsuccessful, and they are warranted to effect entire and permanent cures in every case curable at all—where they may be tried."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Average weight of 1 lozenge (grams).....	1. 40
Ash (per cent).....	0. 06
Sucrose (per cent).....	95. 6
Gum tragacanth (approximately) (per cent).....	2. 8
Volatile oil (probably rosemary): Tracc.	
Total volatile matter at 100° C. (per cent).....	0. 4
Alkaloids: Absent.	
Ammonium chlorid: Absent.	
Tartar emetic: Absent.	

Sample consists of sugar lozenges containing a small amount of gum and a trace of oil of rosemary.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Rogers' Consumptive Cure and Cough Lozenges. Are good for Lung Troubles of all kinds, such as * * * Congestion and Bleeding of the Lungs, Bronchitis, Asthma, * * * For Whooping Cough they are a ready relief. * * * ", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for consumption and effective as a remedy for lung troubles of all kinds, such as congestion and bleeding of the lungs, bronchitis, and asthma, and effective for the ready relief of whooping cough, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a cure for consumption or effective as a remedy for lung troubles of all kinds, such as congestion, bleeding of the lungs, bronchitis and asthma or effective for the relief of whooping cough.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof included in the circular or pamphlet aforesaid, to wit, "Rogers' Consumptive Cure and Cough Lozenges. A Specific Remedy for * * * Catarrh * * * Influenza, Pneumonia * * * Croup, Whooping Cough * * * and all Pulmonary and Bronchial Complaints Leading to Consumption." "They can be confidently relied upon as an *infallible cure* for all pulmonary troubles of every description. * * * For hemorrhage of the lungs, so often pronounced incurable by eminent physicians, they have never been unsuccessful, and they are warranted to effect entire and permanent cures in every case curable at all * * * ", were false and fraudulent in that by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchaser thereof and create in the minds of purchaser thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, influenza, pneumonia, croup, whooping cough and all pulmonary and bronchial complaints leading to consumption, and effective as an infallible cure for all pulmonary troubles of every description, and effective for the entire and permanent cure in every case of hemorrhage of the lungs capable of being cured, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, influenza, pneumonia, croup, whooping cough or all pulmonary and bronchial complaints leading to consumption, or effective as a cure for all pulmonary troubles of every description or effective for the cure in any case of hemorrhage of the lungs.

The inhalent was labeled: (On carton) "Rogers' Inhalent An Inhaling Preparation (Trade Mark) Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, and all Pulmonary Throat and Bronchial Complaints leading to Consumption. In all cases the use of Rogers' Consumption Cure and Cough Lozenges in connection with the inhalant is advisable. Price of Inhalant with Inhaler \$1. Price of Lozenges, 25c per Box. The Original manufactured only by the Proprietors, M. J. Rogers Med. Co. Lewiston, Me. Registered July 24th, 1888." (On back of carton) "Rogers' Inhalant is the most effective remedy known for all diseases of the Throat, Chest, Lungs and Nasal Organs." (On sides of carton) "Cures Catarrh, Hay Fever. Cures Pneumonia, Asthma." (On top flap) "No. 7609 Guaranteed under

the Food and Drugs Act, June 30, 1906. Contains 65% Alcohol, that quantity being necessary to dissolve the Oils and Balsams for Inhalation." (On bottle front) "Rogers' Inhalant an Inhaling Preparation Which is a specific Remedy in all cases of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, and all Pulmonary, Throat and Bronchial Complaints leading to Consumption. In all cases the use of Rogers' Consumptive Cure and Cough Lozenges in connection with the Inhalant is advisable. Directions for using Inhaler—see label on the other side. The original manufactured only by the proprietors, M. J. Rogers & Co., Lewiston, Me. Registered July 24, 1888." (On back) "Directions for Using Inhaler Charge it with a few drops from the Preparation Bottle, and it is ready for use. Remove both corks from the inhaler, and place the larger orifice to the mouth, inhaling deep inspirations of the vapor to carry it to the lungs. For Catarrh and diseases of the Nasal Passages, use the smaller orifice, drawing the vapor up to the nostrils. Replace the corks when not in use. Carry in the pocket and use freely four or five times a day. Keep sponge well moistened. Keep Inhalant in a cool place. If the inhaler gets lost or broken, or an extra one is wanted, send ten cents, and we will send duplicate." (On sides) "As a Gargle for sore throat, diphtheria, inflamed or enlarged tonsils, and all disorders of the throat it is a specific remedy. Directions: Add one teaspoonful to a half glass of water, use small quantity every half hour until relieved. It has Accidentally been discovered that Rogers' Inhaling Preparation is a Marvelous Remedy for Rheumatism and Neuralgia, when used as an outward application. Bathe freely and rub briskly 3 to 5 minutes."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume).....	68.4
Total oils (cc per 100 cc).....	30.0
Phenol-free oils (cc per 100 cc).....	21.9
Methyl alcohol: Absent.	
Ash: None.	
Alkaloids: Absent.	
Chloroform: Absent.	
Methyl salicylate: Absent.	
Oil of rosemary and possibly thyme: Present.	
Sample is an alcoholic solution of volatile oil, chiefly rosemary.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "Rogers' Inhalant * * * Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever * * * Pneumonia, Bronchitis, Diphtheria * * * Bleeding of the Lungs, and all Pulmonary Throat and Bronchial Complaints leading to Consumption * * * Rogers' Inhalant is the most effective remedy known for all diseases of the Throat, Chest, Lungs and Nasal Organs * * * Cures Catarrh, Hay Fever. Cures Pneumonia, Asthma." (On bottle) "Rogers' Inhalant * * * Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever * * * Pneumonia, Bronchitis, Diphtheria * * * Bleeding of the Lungs and all Pulmonary, Throat and Bronchial Complaints leading to consumption * * * As a Gargle for * * * Diphtheria * * * and all disorders of the throat it is a specific remedy * * * It has Accidentally been discovered that Rogers' Inhaling Preparation is a Marvelous Remedy for Rheumatism," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof,

the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a specific remedy in all cases of catarrh, asthma, hay fever, pneumonia, bronchitis, diphtheria, bleeding of the lungs, and all pulmonary throat and bronchial complaints leading to consumption, and effective as a remedy for all diseases of the throat, chest, lungs, and nasal organs, and effective as a cure for catarrh, hay fever, pneumonia, and asthma, and effective as a marvelous remedy for rheumatism, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, asthma, hay fever, pneumonia, bronchitis, diphtheria, bleeding of the lungs, or all pulmonary, throat, and bronchial complaints which lead to consumption, or effective as a remedy for all diseases of the throat, chest, lungs, and nasal organs, or effective for the cure of catarrh, hay fever, pneumonia, asthma, or effective as a remedy for rheumatism.

On March 27, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$15.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3987. Adulteration and misbranding of vinegar. U. S. * * * v. 25 Barrels of Vinegar.
Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 6217. I. S. No. 12578-k. S. No. C-149.)

On January 14, 1915, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 barrels, each containing approximately 45 gallons, more or less, of vinegar remaining unsold in the original unbroken packages at Nashville, Tenn., alleging that the product had been shipped on or about September 16, 1914, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Wallace Vinegar Company, Elko Brand Apple Vinegar reduced by water to four percent strength, Paducah, Ky."

Adulteration of the article was alleged in the libel for the reason that there had been mixed with the product and packed with it distilled vinegar or dilute solution of acetic acid in such manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was labeled, "Wallace Vinegar Company, Elko Brand Apple Vinegar reduced by water to four percent strength, Paducah, Ky.," when in fact distilled vinegar or dilute solution of acetic acid had been mixed and packed with and substituted for apple vinegar.

On March 31, 1915, the Ben Fox Cooperage Co., Nashville, Tenn., having filed its answer to the libel laying claim to the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company upon payment of all the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3988. Adulteration and misbranding of vinegar. U. S. * * * v. 15 Barrels of Vinegar and U. S. * * * v. 26 Barrels of Vinegar. Default decrees of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 6276, 6277. I. S. Nos. 12287-k, 12288-k. S. No. C-157.)

On February 8, 1915, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 barrels and 26 barrels of vinegar, remaining unsold in the original unbroken packages at Owensboro, Ky., alleging that the product had been shipped on December 11 and 18, 1914, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one head) "Old Kentucky Cider Vinegar Works O. K. Brand Fermented Apple Vinegar Diluted to 4 Per Cent Acid Strength Covington Kentucky". (On other head) "Gals. Guaranteed Under The Food & Drugs Act June 30, 1906, Serial No. 49547."

Adulteration of the product was alleged in the libels for the reason that in each of the barrels another substance than apple vinegar had been substituted in part for apple vinegar, to wit, distilled vinegar and diluted acetic acid had been so substituted, which said substances had been mixed and packed in imitation of apple vinegar in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that each of the barrels bore a statement regarding the substance contained therein which was false and misleading, to wit, that each of said packages bore the statement, among other things, "Fermented Apple Vinegar," which said statement was false and misleading in that it represented the contents of each of the packages to be apple vinegar, that is to say, vinegar made from the juice of fresh apples, whereas, in truth, the contents of the packages were distilled vinegar and diluted acetic acid mixed and packed in imitation of apple vinegar. It was further alleged in the libels that each of the barrels was filled with a preparation of distilled vinegar and diluted acetic acid, and was deficient in acetic acid.

On May 4, 1915, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be sold by the United States marshal after effacing the brands upon each barrel and rebranding in substance and effect as follows, to wit, "Imitation Vinegar."

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3989. Adulteration and misbranding of coffee. U. S. v. Isaac Despres (Despres & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 6283. I. S. No. 7359-h.)

On May 13, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isaac Despres, trading under the firm name of Despres & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 28, 1914, from the State of New York into the State of Pennsylvania, of a quantity of coffee which was adulterated and misbranded. The product was labeled: (On 10 sacks) "M M 30 405 1." (On 5 sacks) "M M 395 (in black) 662 (in red)" (On 3 sacks) "M M 341 1."

Examination of samples of the product by the Bureau of Chemistry of this department showed the coffee to be a mixture and not all of the growth known as Maracaibo, which, if present at all, was in very small amount. The coffee was a mixture containing Santos which had been substituted for Maracaibo, and it is probable other coffees had been mixed with the Santos; either a San Domingo or some kindred growth had been mixed and had been substituted in place of Maracaibo.

Adulteration of the product was alleged in the information for the reason that a mixture of inferior coffees, to wit, Santos coffee and coffee other than Maracaibo coffee, had been substituted in whole or in part for Maracaibo coffee, which the article by its invoice purported to be. Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, Maracaibo coffee, whereas, in truth and in fact, it was not Maracaibo coffee, but was a mixture of Santos coffee and coffee other than Maracaibo, and little, if any, Maracaibo coffee.

On May 19, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3990. Adulteration of candy. U. S. * * * v. 163 Pails and 128 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6291. I. S. Nos. 17093-k, 17094-k, 17095-k, 17096-k, 17097-k, 17098-k, 17099-k, 17100-k, 18801-k, 18802-k, 18803-k, 18804-k. S. No. W-32.)

On February 13, 1915, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 163 pails and 128 boxes of candy, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the product had been shipped and transported in interstate commerce from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled: "W. D. K. Groc. Co. Salina, Ks. A. Lang, Denver, Colo." The remaining portion of the product was labeled: "W. D. K. Groc. Co. Abilene, Ks. A. Lang, Denver, Colo."

It was alleged in the libel that the product was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances, namely, live worms, live weevil, dead weevil, and excreta of worms, weevil, and mice.

On April 16, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3991. Adulteration and misbranding of vinegar. U. S. * * * v. 190 Barrels of Vinegar.
Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 6292. I. S. No. 2614-k. S. No. E-219.)

On February 12, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 190 barrels purporting to contain pure cider vinegar and remaining unsold in the original unbroken packages, at Pittsburgh, Pa., alleging that 60 barrels of the product had been shipped January 18, 1915, 56 on January 19, 1915, and 74 barrels on or about January 21, 1915, by George Naas & Son Co., Cohocton, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: (On one barrel head) "Purity Vinegar Works, Cohocton, N. Y. Purity Brand Pure Apple Cider Vinegar Geo. Naas and Son Co. Prop." The other heads of the barrels bore numerals to indicate the measure of their contents.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or part of distilled vinegar and added mineral matter which had been mixed and packed with and substituted for apple vinegar. Misbranding was alleged for the reason that the article of food was offered for sale under the distinctive name of "Purity Brand, Pure Apple Cider Vinegar," when in fact it was not pure apple cider vinegar, but consisted in whole or in part of distilled vinegar and added mineral matter which had been mixed and packed with and substituted for apple vinegar.

On March 1, 1915, the said George Naas & Son Co., a partnership, claimants, filed their answer, denying that the product was adulterated or improperly branded, and on April 17, 1915, their petition that the product should be delivered to them upon payment of the costs of the proceeding and the execution of a bond in the sum of \$1,500.

On April 17, 1915, the court having heard the petition of said claimants, it was ordered, adjudged, and decreed by the court that the product had been misbranded, and it appearing to the court that the costs of the proceeding had been paid and a good and sufficient bond executed and delivered in conformity with section 10 of the act, it was further ordered that the United States marshal should deliver the product to said claimants.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3992. Adulteration and misbranding of vinegar. U. S. * * * v. 115 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6303. I. S. Nos. 13801-k, 13802-k. S. No. C.-160.)

On February 22, 1915, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 115 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages, at Cairo, Ill., alleging that the product had been shipped on or about [October 26 and] December 11, 1914, and transported from the State of Tennessee into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Brite Marnin Brand Pure Apple Vinegar Diluted to four per cent acid strength."

It was alleged in the libel that the article consisted in part of distilled vinegar or dilute acetic acid, and was adulterated in violation of section 7, paragraphs 1 and 2 under "Food" of said act of Congress of June 30, 1906, and was liable to seizure, condemnation, and confiscation as provided in section 10 of said act, for the following reason, to wit, because distilled vinegar and dilute acetic acid had been mixed with said article so as to reduce or lower or injuriously affect its quality or strength, and because distilled vinegar and dilute acetic acid had been substituted wholly or in part for said article. Misbranding was alleged for the reason that said product was an imitation of apple vinegar and because the labels on the barrels, to wit, "Brite Marnin Brand Pure Apple Vinegar Diluted to four per cent acid strength," would deceive and mislead the purchaser thereof into the belief that said vinegar was a pure apple vinegar, diluted to four per cent acid strength, whereas, in truth and in fact, it was a mixture of distilled vinegar and dilute acetic acid.

On April 5, 1915, Dawson Bros. Manufacturing Co., claimant, Memphis, Tenn., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings, and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3993. Adulteration and misbranding of vinegar. U. S. * * * v. 25 Barrels and 5 Half-Barrels of Apple Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6304, 6305. I. S. Nos. 12586-k, 12587-k. S. No. C-161.)

On February 23, 1915, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of the 18 barrels and 5 one-half barrels of vinegar that was found, remaining unsold in the original unbroken packages, at Memphis, Tenn., alleging that the product had been shipped by the Wallace Vinegar Co., Paducah, Ky., and transported from the State of Kentucky into the State of Tennessee, the shipment having been delivered on or about January 24, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act. Nine of the barrels were labeled: "Brocton Fruit Products Co. Baldwin Brand Apple Vinegar. Reduced by Water to 4% Strength. 48 Gals. Distributors, Brocton, New York." Nine of the barrels and the 5 half-barrels were labeled: "48 Wagner Grocery Co. Brocton Brand Pure Apple Vinegar. Diluted to 4% Acid Strength. Distributors, Memphis, Tenn."

Adulteration of the product was alleged in the libel for the reason that a substance had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; and, further, in that a substance had been substituted wholly or in part for the article, viz, distilled vinegar or dilute acetic acid. Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article; and, further, in that it was labeled or branded so as to deceive or mislead the purchaser or purchasers thereof.

On May 19, 1915, the said Wallace Vinegar Co., Paducah, Ky., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3994. Adulteration of tomato pulp. U. S. * * * v. 75 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6315. I. S. No. 11298-k. S. No. C-171.)

On February 26, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages, at Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. Part of the cases were labeled: "No. 1 Scout Brand Tomato Pulp." Part were labeled: "No. 1 Scott County Brand Tomato Pulp." The cans were labeled: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co., Austin, Ind. Contents 10 oz.—Directions:"

Adulteration of the product was alleged in the libel for the reason that it contained and consisted partially of a filthy and decomposed vegetable substance.

On March 18, 1915, no claimant having appeared for the property, it was ordered by the court that the libel should be taken pro confesso, and that the case might be presented for final judgment and decree at any time subsequent to 30 days from the entry of said order pro confesso. On April 19, 1915, the case having come on to be heard upon the motion of the United States attorney for final judgment, and it appearing to the court that since the order pro confesso no claim or answer had been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3995. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6316. I. S. No. 14608-k. S. No. C-173.)

On February 27, 1915, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Louisville, Ky., alleging that the product had been shipped and transported in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No. 1 Scott Co. Tomato Pulp." The cans were labeled: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co. Austin, Ind. Contents 10 oz."

It was alleged in the libel that the article of food was adulterated in that it contained and in part consisted of a partially decomposed vegetable substance.

On April 16, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3996. Adulteration of pork loins. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6317. S. No. E-224.)

On February 26, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information praying for the seizure and condemnation of 178 boxes of pork loins, remaining unsold in the original unbroken packages at Springfield, Mass., alleging that the product had been shipped by the Brennan Packing Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the information for the reason that the same consisted in part of a filthy, putrid, and decomposed animal substance.

On or about March 29, 1915, the said Brennan Packing Co., claimant, having filed its answer consenting to a decree, an order was entered by the court, which provided, among other things, that upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond by said claimant company in the sum of \$2,500, which bond should be conditioned that said pork loins should be shipped from Springfield, Mass., in a car under the seal of the Department of Agriculture to the plant of said claimant company, Chicago, Ill., and there, under the supervision of an inspector of the Department of Agriculture, be separated—that is to say, the good portions of said food separated from any portion thereof which might be adulterated within the meaning of the Federal Food and Drugs Act—the product might be delivered to said claimant. On April 16, 1915, the said claimant having filed a satisfactory bond in conformity with the foregoing order as provided by section 10 of the act, formal judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3997. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp.
Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 6318. I. S.
No. 11299-k. S. No. C-172.)

On February 26, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "4 Doz. No. 1 Blue Grass Tomato Puree—Henry Helmers, Cincinnati, O." The cans were labeled: "Tomato Puree or Pulp—This package contains ripe tomato juice, condensed, especially suited for dressing fish, oysters, meats, etc. Adapted to the making of home made catsup. Contents about 9 oz. Blue Grass Brand Trade Mark Daniel Boone—Blue Grass Canning Co. Owensboro, Ky. U. S. A."

It was alleged in the libel that the article of food was adulterated within the meaning of the Food and Drugs Act in that said article of food contained and in part consisted of a decomposed vegetable substance.

On March 22, 1915, no claimant having appeared for the property, it was ordered that the libel be taken pro confesso, and that the case might be presented for final judgment and decree at any time subsequent to 30 days from the entry of said order pro confesso. On April 23, 1915, no claim to the product or answer to the libel having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3998. Adulteration and misbranding of vinegar. U. S. * * * v. 12 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6326. I. S. No. 18805-k. S. No. W-34.)

On March 2, 1915, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 barrels of vinegar, more or less, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the product had been shipped and transported from the State of Arkansas into the State of Colorado and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Jones Bros & Co. Pure Apple Cider Vinegar Rogers, Ark."

Adulteration of the product was alleged in the libel for the reason that acetic acid or distilled vinegar and a substance high in solids had been substituted in whole or in part for pure apple cider vinegar, so as to reduce, lower, and injuriously affect the quality of said article. Misbranding was alleged for the reason that the brands and labels on the barrels contained statements regarding the article which were false and misleading—that is to say, while each of the barrels by said brands and labels thereon purported to contain pure apple cider vinegar, in truth and in fact each of said barrels contained in whole or in part acetic acid or distilled vinegar and a substance high in solids.

On April 24, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the brands and labels on the barrels had been changed so as to make the same read "Imitation cider vinegar."

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

3999. Adulteration of skimmed condensed milk. U. S. * * * v. 7 Barrels of * * * Skimmed Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6327. I. S. No. 17784-k. S. No. W-35.)

On March 2, 1915, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 barrels of skimmed condensed milk, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on September 22, 1914, and transported from the State of New York into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Skimmed condensed milk from the German American Specialty Company New York City, U. S. A. 100875-8-31." (On other end) "Log Cabin Baking Company, Portland, Oregon."

It was alleged in the libel that the article was adulterated for the reason that it consisted in part of filthy, decomposed, and putrid animal substance, and, further, that it consisted in part of the product of a diseased animal and animals, and by reason thereof was wholly unfit for food and for human consumption.

On April 24, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 19, 1915.

4000. Misbranding of "Radam's Microbe Killer." U. S. * * * v. 5 Cases of "Radam's Microbe Killer." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6359. I. S. Nos. 17497-k, 17498-k. S. No. W-36.)

On March 6, 1915, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of "Radam's Microbe Killer," remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about March 3, 1915, and transported from the State of California into the State of Washington and charging misbranding in violation of the Food and Drugs Act, as amended. Two of the cases were labeled: "Glass, this side up with care, Sam Park, Seattle, Washn, Wm. Radams Microbe Killer manufactured San Francisco, Calif. Three." Three of the cases were labeled: "Glass, this side up with care, Sam Park, Seattle, Washn, Wm. Radams Microbe Killer manufactured San Francisco, Calif. Two". Bottles in the case bearing the word "Three," were labeled: "William Radams Microbe Killer Three, a blood purifier antiseptic and tonic. Directions. Number one for headache, neuralgia, croup, mumps, measles, whooping cough, tonsillitis, throat complaints, dyspepsia, indigestion, gastritis and other stomach complaints, also for asthma, bronchitis and consumption; number two for colds, cough, malaria, grippe, catarrh, rheumatism, tumors, cancer and other blood and chronic diseases; number three being very strong should be used only for very stubborn cases where number two after a fair trial fails to bring improvement. Book tells all mailed free. The great home remedy for young and old. Learn the reason why we get sick, how we can get well and keep well. Read the book mailed free until you fully understand it. Sworn testimony in New York Supreme Court shows that this remedy was used with good results in every instance. It is unequalled as a digestive and for throat and stomach troubles. Try it and be convinced. Write for circular for men's or women's special diseases. Beware of imitations. Wm. Radam Laboratory No. 10 San Francisco, Cal." The bottles in the cases bearing the word "Two" contained a statement or label identical with that on the bottles in the cases marked "Three," with the exception that the word "Two" appeared on said labels in each instance instead of the word "Three".

Misbranding of the product was alleged in the libel for the reason that the aforesaid statements regarding said microbe killer, appearing on the shipping cases, or as labels on the unit bottles or packages, were false, fraudulent, and misleading in that they purported to show that said microbe killer would cure said diseases, whereas, in truth and in fact, said statements and each and every [one] of them were false, fraudulent and misleading and it was alleged that said drug would not cure said diseases or any diseases at all.

On April 12, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*

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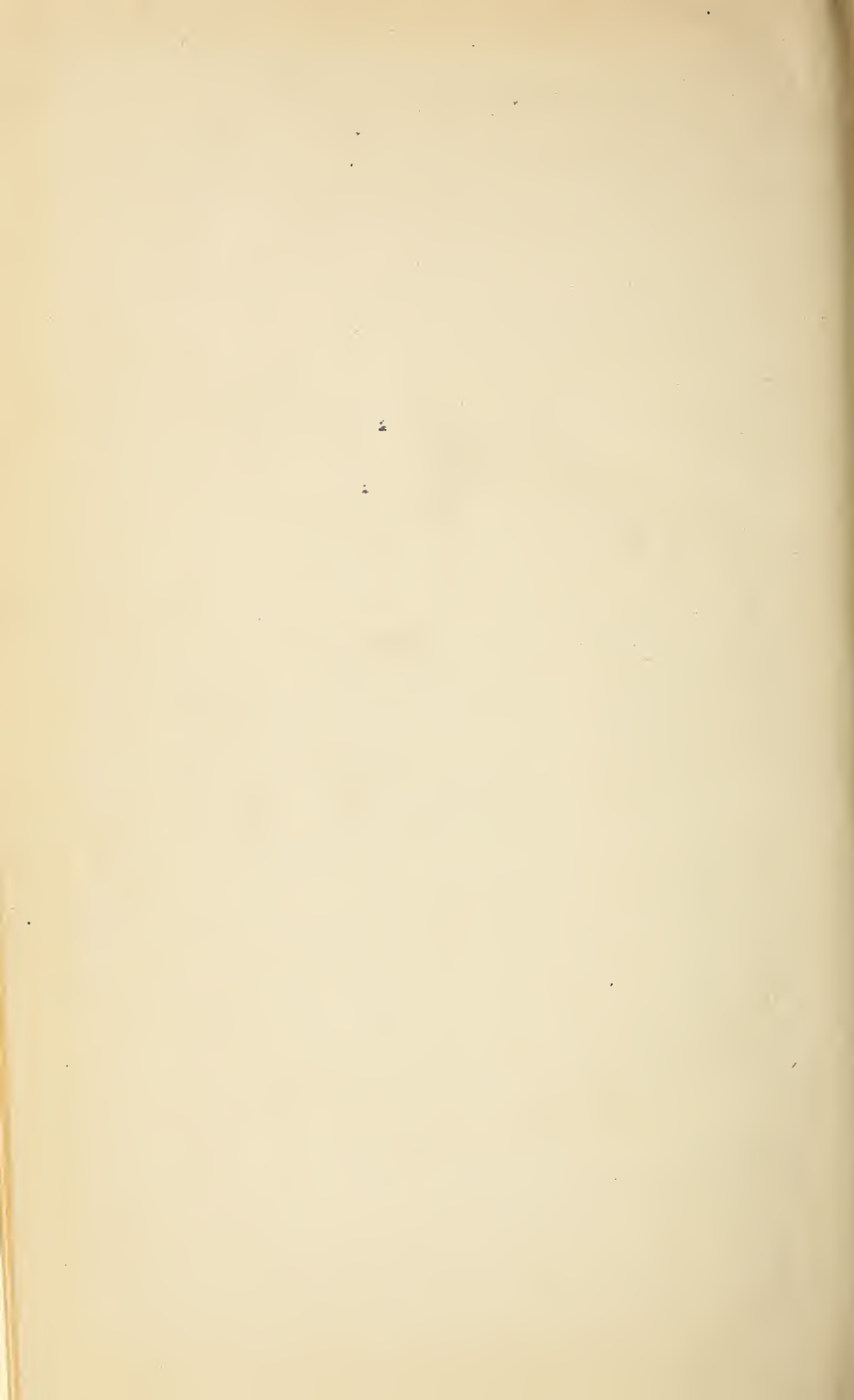
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